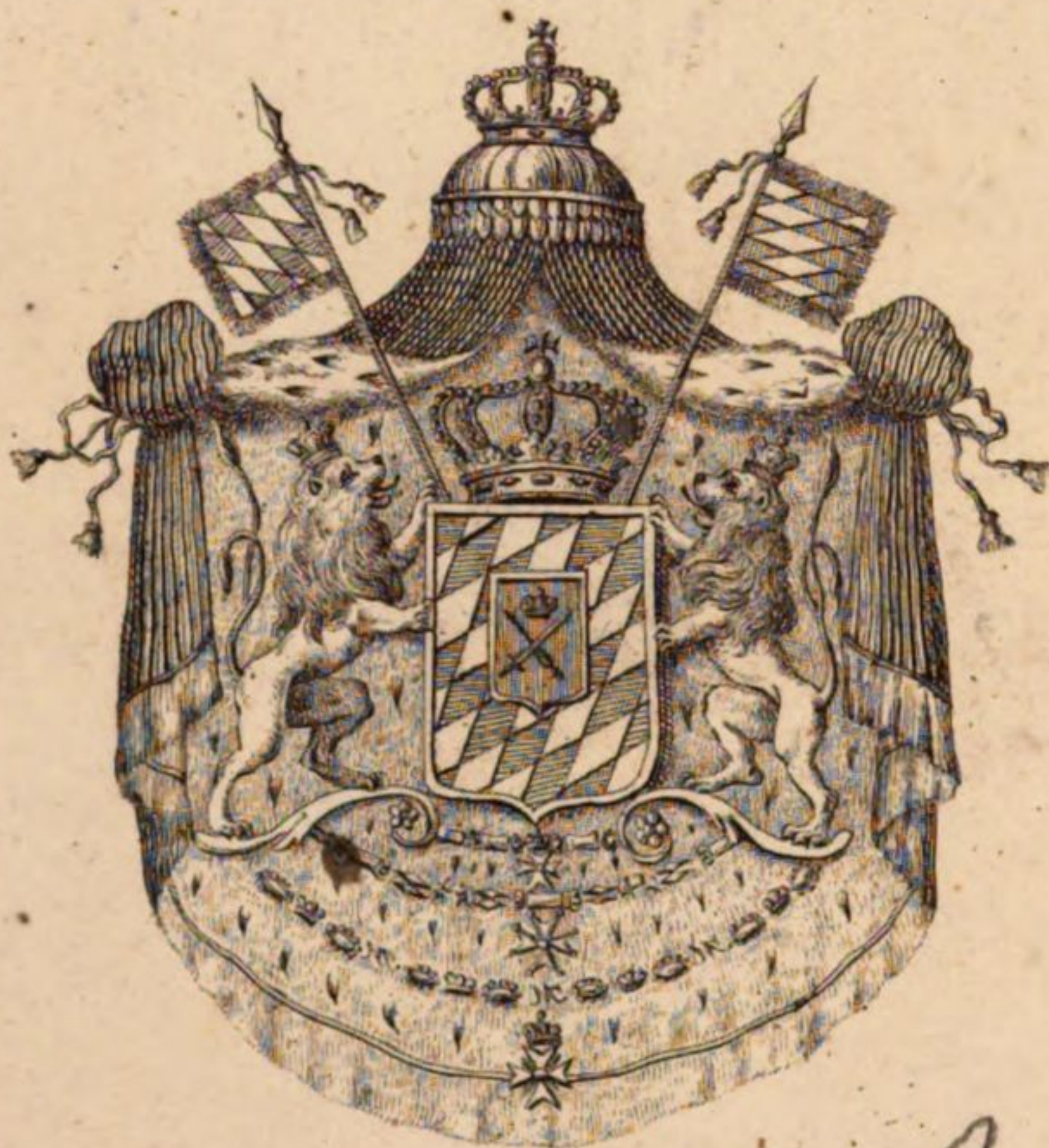




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S. MEAD
Historical Collections.

The Third Part;
IN
Two Volumes.

Containing the
PRINCIPAL MATTERS

Which happened from the

MEETING of the PARLIAMENT,

November the 3d, 1640.

To the End of the YEAR 1644.

Wherein is a particular Account of the Rise and Progress of the
CIVIL WAR to that Period :

Impartially Related.

Setting forth only Matter of Fact in Order of Time,
Without Observation or Reflection.

With ALPHABETICAL TABLES.

By JOHN RUSHWORTH late of *Lincolns-Inn*, Esq;
Fitted for the Press in his Life-time.

V O L. IV.

L O N D O N :

Printed for D. Brown, J. Walthoe, J. Knapton, R. Knaplock, J. and B. Sprint,
B. Tooke, J. Darby, D. Midwinter, J. Tonson, S. Buckley, B. Cowse, E. Bell,
R. Robinson, J. Round, S. Burrows, E. Symon, T. Wotton, and T. Jauncy.
MDCC XXI.

S. MEAD.

Historical Collections

The Fifth Part

IN

Two Volumes.

Containing the

PRINCIPAL MATTERS

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November the 3d. 1640.

To the End of the Year 1644.

Which is a particular Account of the Rise and Progress of the
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Impartially Related.

Setting forth only matters of Fact in Order of Time
Without Opinion or Reflection.

With ALPHABETICAL TABLES.

By JOHN RUSHWORTH late of Lincoln-Inn, Esq.
Printed for the Press in his Life-time.

VOL. IV.

LONDON.

Printed for D. Brown, J. Widdowes, J. Knapp, R. Knapp, J. and R. Smith,
R. Tooke, J. Dingley, D. Midwinter, J. Toulson, S. Buckler, B. Gifford, E. Bell,
R. Robinson, J. Round, S. Burrows, E. Symon, T. Weston, and T. James.
MDCCLXXI.

TO THE READER.

IT is observed by a very Learned Historian of this Age, That it is a hard Matter to write a good History ; because, if the Author be an Eye-witness, he is apt to lean to a Party ; if not, he can hardly attain a true knowledge of Affairs. The latter of these Difficulties Mr. RUSHWORTH, the Author of these HISTORICAL COLLECTIONS, could not possibly labour under, since he was not only present when these Things were transacted, but had all Opportunities of gaining due Information, and made it the chief Business of his Life to gain it. Nor was it possible for him to take a better Course than he has done, to avoid all suspicion of Partiality : For he seldom speaks in his own Person, because he would not have the Truth of his History to depend upon his own Credit. The Proceedings in Parliament, he has from the Journals of both Houses. The Reasons of both Sides for betaking themselves to Arms, and their several Justifications, are delivered in their own Words, expressed in their Declarations, Remonstrances, Petitions, Addresses, and their Answers. Actions in the Field are related from Letters of Persons concerned in the Actions themselves, or from such Prints as were then published, and not in the least suspected of Falshood. And wherever the Contending Parties gave out different Relations, those different Relations are published at large in their own Words.

Those two Difficulties therefore of Ignorance and Partiality, being here surmounted, the former by God's Providence and the Author's Industry, and the latter by his Integrity, which appears in his Method of Writing, with which Partiality is inconsistent ; the Benefit of these COLLECTIONS to Posterity is not only the same with that of all True History, but is such as must needs yield us more useful Observations than any other History can do ; since the Subject Matter of them so nearly concerns us (it being no other than the Preservation of our Ancient Laws and Government, that was then pretended to be fought for on both Sides) ; and the Time in which these Things were transacted, is so very late, that the same Laws and Government, which through

Difficilis
est rerum
gestarum
narratio :
quæ absen-
tem fugi-
unt, præ-
sentem tra-
hunt. Grot.

To the R E A D E R.

God's Blessing we now enjoy the Fruits of, did, or ought to have obtained when these Distractions began. That violent Inroads were made upon them, and the very Frame of the Government unbing'd, we all know: But by whose, and what Means, and by what Steps the Misunderstandings betwixt the KING and His PARLIAMENT grew to such a Height, as to involve Three Nations in so many Years War, the Judicious Reader must observe and judge for himself by the Matter of Fact disclosed, as it were in a Special Verdict, and by the Arguments on both Sides.

None can find fault with the Publishing such a HISTORY as this, be their Judgments or Prejudices what they will in favour of either Party, who are not unwilling or afraid of having Truth brought to Light.

A very few Things the Reader is to be advertised of; As 1st, That whereas some few Things are referred to an APPENDIX, which were intended to have been added at the End of the Second Volume; the same has upon some Considerations been declined; and that at the End of the Last Volume of the Next Part, there will be inserted an APPENDIX both to this Part, and that, all under one.

2. That whereas in the Title of this HISTORY, Things are mentioned to be delivered in order of Time: Where the HISTORY proceeds by way of Diary, the Series of Time is pursued, and Matters of Fact represented in order of Time as they happened; but some Important Affairs and Occurrences of one and the same kind are ranked together in their particular Classes, which compose the several Chapters, where such Occurrences are related apart, as a separate, distinct History by themselves; and was done to avoid Confusion, which must needs have been occasioned by the perpetual interfering of so Remarkable Affairs with each other.

3. That the Copy having been distributed to several Presses, there are in two or three Places Mistakes committed in the Paging, though there be no Breach in the HISTORY.

4. That these COLLECTIONS are all Mr. RUSHWORTH's own, and with great Care and Pains methodized by him in his Life-time, and designed for the Press; but the Circumstances of the Times hindred him from making them Publick before his Death.

A
CONTINUATION
O F
Historical Collections.

PART III. VOL. I.

Beginning Novemb. 3. 1640.



UESDAY the 3d of Novemb. 1640. being the Day appointed for the Meeting of the Parliament, Tho. Earl of Arundel, Lord High Marshal of England, and Lord High Steward of His Majesty's Household, about Nine of the Clock in the Morning came into the outward Room of the Commons House, called the Lobby, accompanied with the Treasurer of the King's Household, and

The Opening of the Parliament, Nov. 3. 1640.

Sir Tho. Roe, Knt. one of His Majesty's Privy Council, and others of the Privy Council, where the Cryer of the Chancery first made Proclamation in the King's Name, Charging all that were chosen to attend in this present Parliament, not to presume to sit till they had first taken the Oaths of Supremacy and Allegiance; nor till the Sheriff make Return of his Writ to the Clerk of the Crown in Chancery, and his or their Names be there entred.

Then the Clerk of the Crown in Chancery read the Writ, and called over the Names of such Knights, Citizens, and Burgeses, and Barons of the Cinque-Ports, as were return'd.

The Names of the Knights, Citizens and Burgeses of the Counties, Cities and Borough-Towns of England and Wales, and Barons of the Ports, in the Parliament Assembled at Westminster the 3d Day of November. 1640.

Bedford.

O Liver Luke, Kt.
George Burgoyne, Bart.

Ailsbury.

John Packington, Bart.
Ralph Verney, Esq;

The Names of the Commons, Nov. 3. 1640.

Bedford Town.

Beauchamp St. John, Kt.
Samuel Luke, Kt.

Amersham.

Will. Drake, Esq;
Francis Drake, Esq;

Buckingham.

John Hampden, Esq;
Arthur Goodwin, Esq;

Wendover.

Robert Crook, Esq;
Thomas Fountaine, Esq;

Buckingham Town.

Peter Temple, Kt. and Bart.
Alexander Denton, Kt.

Marlow.

Bulstrode Whitlocke.
Peregrine Hoby, Esq;

An. 1640.

Berkshire.

John Fettiplace, Esq;
Henry Martin, Esq;
Francis Pile, Bart.

New Windsor.

Cornelius Holland, Esq;
Richard Winwood, Esq;

Reading.

Francis Knowles, Senior, Kt.
Francis Knowles, Junior, Kt.

Abbingdon.

George Stonehouse, Bart.
John Ball, Esq;

Wallingford.

Edmund Dunch, Esq;
Thomas Howard, Esq;

Cornwall.

Alexander Carew, Esq;
Bevill Greenvill, Kt.

Dunchevit.

Ambrose Manaton, Esq;
William Corriton, Esq;

Leskard.

John Harris, Esq;
Joseph Jane, Gent.

Leftwithell.

John Travanon, Esq;
Richard Arundell, Esq;

Truro.

John Roll, Esq;
Francis Rowse, Esq;

Bodwin.

John Arundel, Esq;
Anthony Nicolls, Esq;

Helston.

Francis Godolphin, Esq;
Sidney Godolphin, Esq;

Saltash.

George Buller, Esq;
Edward Hide, Esq;

Camilford.

Peirce Edgcomb, Esq;
William Glanvill, Esq;

Grampond.

James Cambell, Esq;
John Trevor, Knt.

Estlow.

Francis Butler.
Thomas Lower, Esq;

Westlow.

Henry Killegrew, Esq;
Thomas Arundell, Esq;

Pentrin.

John Bampffield, Knt.
Nicholas Slaining, Knt.

Tregony.

Richard Vivion, Knt.
John Polewbeel, Esq;

Rosling.

Christopher Elverton, Knt.
Ralph Siddenham, Knt.

St. Ives.

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Edward Walker, Esq;

Fowey.

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St. Mawes.

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George Parry, Doctor at Law.

Killington.

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Cumberland.

Cumberland.

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Patrick Curwin, Baronet.

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Thomas Eden, Dr. at Law.
Henry Lucas, Esq;

Cambridge-Town.

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John Lawry, Esq;

Cheshire.

Peter Venables, Esq;
William Bruerton, Baronet.

Chester City.

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Francis Gaunell, Esq;

Darbyshire.

John Curson, Baronet.
John Cooke, Knt.

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Nathan. Hallowes, Alderman.

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Sam. Roll, Knt.

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Symon Snow, Merchant.

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Plymouth.

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John Waddon, Esq;

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Richard Ferris, Esq;

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John Clotworthy, Kt.

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Canterbury.

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B

Coven-

An. 1640.

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George Wentworth of Wentworth
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William Hay, Gent.

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Anglesey.

John Bodvil, Esq.;

Bewmaurfs.*John Griffith Senior, Esq;***Brecknockshire.***Herbert Price, Esq;***Cardiganshire.***Walter Floyd, Esq;***Cardigan Town.***John Vaughan, Esq;***Carmarthenshire.***Henry Vaughan, Esq;***Carmarthen Town.***Francis Lloyd, Esq;***Carnarvonshire.****Carnarvon Town.***William Thomas, Esq;***Denbighshire.***Thomas Middleton, Kt.***Denby Town.***Symon Tbelwall Junior, Esq;***Flintshire.***John Mostyn, Esq;**John Salisbury Junior, Esq;***Glamorganshire.***Philip Lord Herbert.***Cardiff Town.***William Herbert, Esq;***Merionethshire.***William Price, Esq;***Haverford West.***John Stepney, Baronet.**Robert Needham, Knt.***Pembroke Town.***Hugh Owen, Esq;***Montgomeryshire.***John Price, Baronet.***Montgomery Town.***Richard Herbert, Esq;***Radnorshire.***Charles Price, Esq;***Radnor-Town.***Philip Warwick, Esq;*

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This being done, the Lord High Steward first Swore about sixty Members then present, and then made his Deputation under his Hand and Seal, which was openly Read by the Clerk of the Parliament, attending upon the Commons: By which he did Constitute and Authorise those of the Privy-Council, being Members of the House; as also some other Members, who were then Sworn; or any Six, Five, Four, or more of them, in his Place and Stead, to Administer the Oaths of Supremacy and Allegiance to all such Members of that House, as during this present Parliament had not taken them. And then his Lordship departed to wait upon the King, who about One of the Clock came in his Barge from *White-hall* to *Westminster-Bridge*, in the *New Palace-Yard*; where the Lords met Him; and from thence in great Solemnity, he came Accompanied with his Nobles through *Westminster-hall* and the Court of *Requests*, to the *Abbey*; where he heard a Sermon Preached by the Bishop of *Bristol*; and then came to the Lords House, where the Commons being sent for, and appearing; His Majesty spake as followeth.

My Lords,

TH E knowledge I had of the Design of my Scottish Subjects, was the Cause of my Calling the Last Assembly of Parliament: Wherein had I been Believed, I sincerely think, that Things had not fallen out, as

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now

The King's
Speech at the
Opening the
Parliament,
Nov. 3. 1640.

An. 1640. *now we see. But it is no wonder that men are so slow to believe, that so great a Sedition should be raised on so little Ground. But now my Lords and Gentlemen, the Honour and Safety of this Kingdom lying so near at stake, I am resolved to put my self freely and clearly on the Love and Affection of my English Subjects: As those of my Lords that waited on me at York, may very well remember I there declared.*

Therefore my Lords, I shall not mention mine own Interest, or that Support I might justly expect from you, till the Common Safety be secured; Though I must tell you, I am not ashamed to say, those Charges I have been at, have been meerly for the Securing and Good of this Kingdom, though the Success hath not been answerable to my Desires. Therefore, I shall only desire you to consider the best way, both for the Safety and Security of this Kingdom. Wherein there are two Parts chiefly considerable; First, The Chasing out of Rebels; and Secondly, That other in satisfying your Just Grievances; wherein I promise you to concur so heartily and clearly with you, That all the World may see my Intentions have ever been, and shall be, to make this a Glorious and Flourishing Kingdom. There are only Two Things that I shall mention to you; the one is to tell you, That the Loan of Money which I had lately from the City of London, (wherein the Lords that waited on me at York, assisted me) will only maintain my Army for Two Months, from the beginning of that time it was granted. Now my Lords and Gentlemen, I leave it to your Consideration, what Dishonour and Mischief it might be, if for want of Money my Army be Disbanded before the Rebels be put out of this Kingdom. Secondly, The securing against the calamities the Northern People endure at this time; and so long as the Treaty is on foot. And in this I say, not only They, but all this Kingdom will suffer the Harm; therefore I leave this also to your Consideration. For the Ordering of these great Affairs, whereof you are to Treat at this time, I am so confident of your Love to me, and that your Care is for the Honour and Safety of the Kingdom, that I shall freely and willingly leave to you where to begin: Only this, That you may the better know the State of all the Affairs, I have Com-manded my Lord-Keeper to give you a short and free Account of those Things that have happened in this Interim; with this Protestation, That if this Account be not satisfactory as it ought to be, I shall, whensoever you desire, give you a full and perfect Account of every particular. One Thing more I desire of you, as one of the greatest means to make this a happy Parliament, That you on your Parts, as I on mine, lay aside all Suspicion one of another; for as I promised my Lords at York, It shall not be my fault, if this be not a happy and good Parliament.

The King having ended his Speech, John Lord Finch, Lord-Keeper of the Great-Seal of England, made this following Speech.

*My Lords, and you the Knights, Citizens,
and Burgeses of the House of Commons;*

The Lord-Keeper Finch
his Speech.

YOU have been Summoned by His Majesties Gracious Writ, under the Great Seal of England, and you are here this Day assembled for the holding of a Parliament. The Writ tells you, 'Tis to treat and consult of the high, great, and weighty Affairs, that concern the Estate and Safety of the Kingdom. It tells you true; for since the Conquest, never was there a time that did more require, and pray for the best Advice and Affection of the English People. It is ill viewing of Objects, by viewing them in a Multiplying-Glass; and it is almost as mischievous in the Species of such a broken Glass, which represents but to the half. The only and the perfect way is to look in a true Mirror: I will not take upon me to be a good Looker in it. I will only hold it to you to make use of it.

The Kingdom of England is this Multiplying-Glass; you may there see a State which

which hath flourished for divers hundred years, Famous for time of Peace and War, Glorious at home, and ever Considerable abroad; a Nation to whom never yet any Conqueror gave *new Laws*, nor abolished the *old*; nor would this Nation ever suffer a Conqueror to meddle with their Laws, no not the *Romans*, who yet when-as they subdued all the People, made it part of their Conquest to lead their Laws in Triumph with them. For the *Saxons*, *Danes*, and the *Normans*, if this were a time to travel in such Particulars, it were an easie task to make it appear, that they never changed the old established Laws of *England*, nor ever brought in any new; so as you have the Frame and Constitution of a Common-wealth, made Glorious by Antiquity. And it is with States, as with Persons and Families, certainly an uninterrupted Pedigree doth give Lustre. It is glorious in the whole Frame, worth your looking upon long, and your Consideration in every Part.

The King is the Head of the Common-wealth, the Fountain of Justice, the Life of the Law, he is *anima & delicia Legis*.

Behold him in the happy Times, that we have so long lived under his Monarchical Government.

For his Excellent Majesty, that now is, Our most Gracious Sovereign, you had need wipe the Glass, and wipe your Eyes, and then you shall truly behold him a King of Exemplary Piety, and Justice, of Rare Endowments, and Abilities of Nature. And what he hath got by Acquisition, depth of Judgment, quickness of Apprehension, unparallel'd Moderation in great Councils, and great Affairs, such as you my Lords, that had the happiness to attend him at the Council of Peers at *York*, to our great Joy and Comfort can witness, and after-Ages will remember, to his eternal Honour and Fame.

For his Just and Pious Government, I dare boldly say, That if any under him as an Instrument, who have had the distributing of Justice to his People, have not done as they ought, the Fault is their own, and they have done contrary to the Royal Nature, and express Command of our Gracious Sovereign, from whom I have often learned this golden Rule and *Maxim*, *He serves me best, that serves me with Honesty and Integrity*.

Behold him in another part of himself, in his dearest Consort, our gracious Queen, the Mirror of Virtue, from whom since her happy Arrival, now after three *lustres* of Years, never any Subject received other than gracious and benign Influence; and I dare avow, as she is nearest and dearest to our Sovereign, so there is none whose Affections and Endeavours (His Majesty only excepted) have, or do, or can co-operate more to the happy Success of this Parliament, and the never to be equall'd Joy and Comfort of a right understanding between the King and his People.

Behold him in his best Image, our Excellent Young Prince, and the rest of the Royal and Lively Progeny, in whom we cannot but promise to our selves, to have our happiness perpetuated.

From the Throne, turn your Eyes upon the Two Supporters of it, on the one side the Stem of Honour, the Nobility and Clergy; on the other Side, the Gentry and Commons.

Where was there, or is there in any part of the World, a Nobility so Numerous, so Magnanimous, and yet with such a Temper, that they neither eclipse the Throne, nor over-top the People, but keep in a distance fit for the greatness of the Throne?

Where was there a Commonwealth so free, and the Balance so equally held as here? And certainly so long as the Beam is duly held, it cannot be otherwise. In *right Angles*, if you turn the Line never so little, it groweth quickly acute, or obtuse; and so States, the least Deviation makes a great Change. But His Majesties great Wisdom and Goodness, and the Assistance of this Honourable Assembly, I do not doubt, will be a means to make us steer between the *Tropicks* of Moderation, that there be no Declension from the *Pole* of Security.

I am by His Majesties Command, to relate to you some Proceedings since the last Assembly here.

You may remember the Summer preceeding this last, His Majesty went with an Army into the *North*, engaged in Honour so to do, by reason of the Courses that were taken by divers of the Subjects of *Scotland*, to the Prejudice of Monarchy, and rendring less glorious this Kingdom. I know not under what Pretence, but at that time they came very near *England*, with an Army, so that it was believed they would have then entred and invaded the Kingdom. They did profess the contrary, neither did they want Remonstrances and Declarations to infuse this Opinion into the

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the Hearts of his Majesties People, before it could appear by the Effects, what their Intentions from the beginning were. His Majesty by his Goodness and Wisdom, settled a Peace, and made a *Pacification* at *Berwick*, upon which both Armies were disbanded; which *Pacification*, and every Article of it, his Majesty for his part hath been so far from violating, that whensoever any Question shall be made of it, it shall plainly and clearly appear, that it was his Care to see it in all Things perform'd. On the contrary, those Subjects of his, not contented with that Grace which his Majesty then gave them in those Articles of *Pacification*, have not only strained them beyond the Bounds and Limits of the Intention and Meaning; but they have over and above attempted, and acted divers Things so prejudicial to Monarchy, and contrary and repugnant to the Law, and settled Constitution, and Usage of that Kingdom, that his Majesty could not in Honour connive at it.

This being made known unto his Majesty, and to his Privy-Council, by those who best knew the State and Affairs of that Kingdom, and that were most trusted and employed by his Majesty; his Majesty by the Unanimous Consent of his Privy-Council, resolved to raise an Army to reduce them to a modest and just Condition of true Obedience, and Subjection, to defend this Kingdom from all Damage and Danger, that by their means (how speciously soever they shadow their Pretences) might fall upon it.

His Majesty then foresaw, and foretold, that though the raising of an Army at this time, was but to stand upon their own Defence, as they professed, yet they had an Intention to enter this Kingdom, and to seize upon some Place of Importance and Eminency; and his Majesty in particular named *Newcastle*.

Had his Majesty then had Means and Money, as well as he had certain knowledge of their Intentions, I do believe that these Calamities that have fallen upon that Town, and the Counties adjoining, had been prevented. Perhaps the Misinterpretations of his Majesties Intentions, and the Misunderstandings of his Actions, and (I am afraid) the too benign Interpretation of the Attempts, Actions, and Professions of the Subjects in *Scotland*, added some Impediment to that which the most of us, I hope, have lived to repent of.

His Majesty howsoever went in Person to the *North*, to see his Army ordered, and to take care for the Safety and Defence of this Kingdom, as much as he possibly could. He had not long been there, but that which he foresaw, and foretold, fell out: For the *Scots* passed with their Army the Rivers *Twede* and *Tine*, and seized upon *Newcastle*; which of what Importance it is you all know; and then they forced Contribution of the Counties of *Northumberland*, and the Bishoprick of *Durham*, besides many other Spoils and Destructions that were committed.

His Majesty well considering of what Weight and Importance this was, and then having neither Time nor Place to call this Assembly of Parliament; he did resolve, as had been frequently used, to Summon a great Council of all the Peers, that by their Advice and Assistance there might be some Interruption given to the Calamity that was likely to spread over the whole Kingdom, and commanded Writs to issue out accordingly.

That was not done to prevent, but to prepare for a Parliament.

It was not to clash, or interfere with this Assembly, by acting or ordering any Thing which belongeth to this *High and Supreme* Jurisdiction, but only to give their Assistance for the present, to render Things more fit for this great Assembly.

That his Majesty's Intentions were so, it is clear; for before ever any Petition was delivered, or ever any Speech or Petition for a Parliament, his Majesty had resolved to call one.

The Lords understood it so, as will plainly appear by the Proceedings of that Assembly; of which, if those that were Officers, and Ministers there, had been come to Town, upon whose Help I rested for my particular Instructions, I should have been better able to have given you an Account; and his Majesty was pleas'd to let you know, That when there was an occasion of any Particular, you may be satisfied in it.

According to his Majesties Command, on the Twenty-fourth of *September*, all the Peers that were summoned, except some few, did meet; where his Majesty was in the first place pleas'd to declare unto us his Resolution to call a Parliament; and to all our Joys and Contents, as he hath now done it to yours and ours, declared, *That there was nothing he did more desire, than to be rightly understood of his People: And whosoever he be, that shall go about (effect it I am sure he cannot) to attempt or endeavour to alter this gracious Declaration and Resolution of His Majesty, or who-*

soever

soever shall go about to poyson the Hearts of his good Subjects, with an opinion that it cannot be so; or lessen the affection of his loving Subjects, (for certainly never Subjects of the World better loved their King, than the *English*; nor ever did *English-men* better love a King, than now); if (I say) there be any such, may a Curse and Punishment fall upon them, but let the Royal Throne be established for ever.

His Majesty was then pleased to tell us the Cause for which he had called us together.

In the first place, it was touching an Answer to a Petition that had been, since his coming to *York*, and before his assembling the Lords, sent unto him from those his Subjects of *Scotland*, that were at *Newcastle*.

The first thing that his Majesty desired their Advice in, was the Answer to that Petition.

The next thing his Majesty conceived, and all that were there, were of one Opinion, with one Voice and Consent, That it was not fit his Majesty should disband his Army, so long as the *Scots* Army was on foot; and his Majesty wished them to take into consideration, what way to have maintenance for his Army in the mean time.

His Majesty having opened the Cause of calling them together, was pleased to express himself, That he would leave to the Lords their freedom of Debate, and himself was ready to have been gone from the Council; but at the humble Suit of the Lords he stayed; and I am persuaded, that nothing was of that Joy to them, as his Majesty's Presence; with such freedom of discourse did every man deliver himself, with such grace and sweetness did his Majesty hear them, and such content did they take in his moderating, guiding, and directing those Councils.

My Lords, as holding it most necessary, took the latter of those two Considerations propounded by his Majesty, into their thoughts, and that was the supplying, and supporting his Majesty's Army, till this Parliament might take some course in it. His Majesty, and my Lords, did declare themselves, as before I have opened unto you, *That they could never attempt, nor had the least thought to make, by any Act or Order, any thing tending to Charge the Subject, but that it might be left wholly to [the Supreme Jurisdiction.]* And therefore not seeing any other way, they resolved by Letters to address themselves to the City of *London*, and with their Letters they sent half a dozen of my Lords.

My Lord *Privy-Seal*, my Lord of *Clare*, who was appointed to go, but his urgent occasions prevented him, Viscount *Cambden*, Lord *Coventry*, Lord *Goring*, and — And as these Lords did express the Joy and content they took in the King's Grace, so the confidence they had of his gracious assistance, was such, that they did freely offer themselves, (and as I dare say there is none but is yet ready) to enter into security with his Majesty. And the City gave an Answer fit for *the Chamber of the King*, and part of the Money is already lent, and they will be ready, I assure my self, to supply the rest.

For the other part, the first thing propounded by his Majesty, was touching the Answer to be given to that Petition, and to the Demands of the Subjects in *Scotland*; upon which occasion his Majesty was pleased by those great Officers and Ministers of his that knew best, and understood the Laws and Usages of that Kingdom, to expound their Demands particularly, and to make appear unto their Lordships upon every one, wherein they had exceeded the Articles of *Pacification*, which his Majesty ever desired might be the square and rule of the Treaty with them.

My Lords took into consideration what was fit to be done; for his Majesty then professed, as he did often, during the time of that Council, to be wholly ruled, guided, and directed by their advice. For the Honour of this Nation, and Safety of it, he did leave it to their Wisdoms and Considerations, against whose Advice, and without whose Judgments and Advice, he would do nothing.

My Lords, howsoever they had received this Information, and Explanation upon every particular of their Demands, yet in Justice they thought it was fit to hear what could be said on the other side, how the objections might be answered, and what objections might be made by them against that which seemed to be plain enough.

For this purpose they were all of Opinion, and his Majesty was pleased to be of the same Opinion, That some Lords selected and trusted by that great Council, should treat with those Subjects of *Scotland* upon all those Particulars, to the end that they might see what they did clearly intend; that so a firm Peace, which was most desired from us, might be had, or a Just War be begun.

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My Lords of the Great Council, that were appointed for that purpose, were the Earls of *Bedford*, *Hertford*, *Essex*, *Salisbury*, *Warwick*, *Bristol*, *Holland*, and *Berkshire*; the Barons were, the Lords *Wharton*, *Paget*, *Kimbolton*, *Brook*, *Pawlet*, *Howard* of *Esrick*, *Savile*, and *Dunsmore*.

After which choice, and some general Instructions proceeding from the Debate and Discourses in that great Council, a Commission under the Great Seal was given to them, to enable them to treat and conclude as they in their Wisdoms and Judgments should think fit.

The Place appointed for this Treaty was at *Rippon*, where the Lords Commissioners wanted the happiness of that, which they and we had at *York*, his Majesty's Presence. And that might be the occasion that more time was spent in it, than otherwise would have been: Yet my Lords omitted not their parts, but were desirous to look into the depth, to see the utmost extent of their demands.

But before those of *Scotland* could come to the main Treaty, to explain themselves touching their Demands, they made a Preparatory Demand for maintenance for their Army, and did go so high as to demand Forty thousand Pounds a Month. My Lords (that were very unwilling to do any Act, or make any Order whatsoever, as I have opened unto you, for the sustenance, maintenance, and keeping afoot his Majesty's Army, without this great Assembly, which yet they all held fit should not be disbanded) were much startled at the demand of Maintenance for an Army which was not the King's, and which they did wish could not continue.

But my Lords, as under that name they could not hear it, yet they took into consideration the miserable condition of *Northumberland*, the Bishoprick of *Durham*, and *Newcastle*; they took into consideration too, the Counties of *Cumberland*, and *Westmorland*, which if the *Scottish* Army should enter, were scarce able at this time to defend themselves, and it was inconvenient to bring the King's Army thither.

Nay, their Lordships were satisfied, that the County of *York* was in danger, and that not to be prevented, but by a Battel, if the *Scots* came on with an Army. And my Lords were loth, where there were such odds, that a Battel should be adventured. And if the County of *York* should be in danger, we might quickly foresee how the danger might run over the whole Kingdom.

And my Lords, as well those that remained at *York*, as those at *Rippon*, having received Complaints from the Bishop of *Durham*, and from *Northumberland* and *Newcastle*, and the Mayor of *Newcastle* being imprisoned, and some of his Brethren, (as was represented unto them) kept without Fire or Candle; and having heard of divers Wastes and Spoils done in the Country, my Lords did think fit, That since the Counties of *Northumberland*, the Bishoprick of *Durham*, and *Newcastle*, had already made a Composition and Agreement, That they would at least ratifie and confirm the Composition and Agreement, so as there might be a Cessation of Arms and Acts of Hostility; and that they which had fled from their dwellings in these Counties, might return in Safety: My Lords, for these Reasons thought fit at present to give way unto them, rather than to hazard so great Calamity and Affliction as would have fallen on those Counties: Hereupon they did conclude for 850 *l. per diem*; and this to continue for Two Months, if the Treaty before took not effect; the Two Months to begin from the 16th of *October*: Then they took Articles for the Cessation of Arms. So as now the state and condition of things, as they were acted, I have shortly and summarily delivered to you: I dare not venture on too many particulars, lest my memory should fail; and if I have not done his Majesties Command, I beg his Majesty's Pardon.

And, My Lords, of what weight and importance this is to the whole Kingdom; what deep Consideration it requires in our Affection; what unsuspected Affections we had need bring with us, is easie to judge.

It is his Majesties Pleasure, That You of the House of Commons repair to your own House, to Chuse your Speaker, whom his Majesty expects you will present to him on *Thursday* next, at Two of the Clock in the Afternoon.

The King's Speech, and the Lord Keeper's being ended, the Members returned to the House of Commons, and Sir *Henry Vane*, the Elder, first broke Silence, putting them in mind of the Custom of Chusing a Speaker, and proposed *William Lenthall*, Esq., [a Bencher of *Lincolns-Inn*, who with One Consent was called to the Chair: He stood up, and desired to be excused, for the Weightiness of the Affairs, and for his Own
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fake, knowing his own weakness ; or at least for their sakes : But they called him the more, *To the Chair, To the Chair* ; and Two Members of the House, the one on the Right hand, and the other on the left, led him up ; and after he was placed in the Chair, the House adjourned till *Thursday* the Fifth of *November*, at Nine of the Clock.

Upon *November* the Fifth, the King came again to the House of Peers, where he made another Speech, in these terms :

My Lords,

I Do expect, That you will hastily make relation to the House of Commons, of those Great Affairs, for which I have called you hither at this time, and also the Trust I have reposed in them, and how freely I put my self on their Love and Affections ; and that you may know the better how to do so, I shall explain my self as concerning one thing I spake the last day : I told you the Rebels must be put out of this Kingdom ; it's true, I must needs call them so, so long as they have an Army that doth invade us ; and altho' I am under Treaty with them, and under my Great Seal do call them my Subjects ; for so they are too. But the state of my Affairs in short is this : It's true, I did expect when I called my Lords and Great ones at *York*, to have given a Gracious Answer to all their Grievances ; for I was in good hopes, by their Wisdoms and Assistances, to have made an end of that Business : But I must tell you, That my Subjects of *Scotland* did so delay them, that it was not possible to end there.

Therefore I can no ways blame my Lords that were at *Rippon*, that the Treaty was not ended ; but must thank them for their Pains and Industry ; and certainly had they as much Power as Affections, I should by that time have brought these Distempers to a happy Period : So that now the Treaty is transported from *Rippon* to *London* ; where I shall conclude nothing without your knowledge ; and I doubt not, but by your approbation ; for I do not desire to have this great Work done in a corner : For I shall open all the steps of this misunderstanding, and Causes of this great difference between Me and my Subjects of *Scotland* ; and I doubt not by your assistance to make them know their Duty, and to make them return, whether they will or no.

The same day the House of Commons presented their Speaker to the King, in the House of Peers, who spake to the effect following :

Most Gracious and Dread Sovereign,

I N all submissive humbleness, the Knights, Citizens, and Burgeses of the House of Commons are here assembled ; who taking along with them your gracious Inclination, have design'd me their Speaker, according to their Ancient Liberties.

Whereas I cannot but lament to think, how great a Mist may overcast the Hopes of this Sessions ; yet it is a Note of Favour to me, who cannot but judge my self unfit for so great an Employment, and which appears so to the whole World.

Many there be of deep Judgment, and great Experience, that might have added Lustre to this Action, and Expedition to the Work, if they had pleased to have left me in that mean condition they found me ;

Non mihi tacuisse nocet, Nocet esse locutum.

and then might your Sacred and Pious Intentions have had their full advancement.

But is it yet too late ? May I not appeal to *Cæsar* ? Yes, I may ; and in the lowest posture of humility, I humbly beseech your Sacred Majesty to interpose your Royal Authority to Command a review of the House, for there were never more than now fitted for such Employments.

Then my Lord Keeper, by His Majesty's direction, Approved of him, and the *Commons* Choice ; upon which he proceeded thus :

It pleaseth not your Majesty to vouchsafe a change : Actions of Kings are not to be by me reasoned.

Therefore being emboldened by this Gracious Approbation, give me leave a little, Dread Sovereign, to express my Thoughts unto our Gracious Lord the King.

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I see before my eyes the Majesty of Great Britain, the Glory of Times, the History of Honour, Charles the First, in his fore-front, placed by descent of ancient Kings, settled by a long Succession, and continued to us by a Pious and Peaceful Government.

On the one side, the Monument of Glory, the Progeny of Valiant and Puissant Princes, the Queen's most Excellent Majesty.

On the other side, the Hopes of Posterity, and Joy of this Nation, those Olive Branches set round your Tables, Emblems of Peace to Posterity.

Here shine those Lights and Lamps placed in a Mount, which attend Your Sacred Majesty as Supream Head, and borrow from you the splendor of their Government.

There, the true State of Nobility, Figures of Prowess, and Magnanimity, fitted by their long contracted Honour in their Blood, for the Council of Princes.

In the midst of those, the Reverend Judges, whither both Parties (as to the Oracles of Judgment and Justice) may resort, Cisterns that hold fair Waters, wherein each deviation, each wrinkle is discernible, and from whence (as from the Center) each crooked line ought to be levelled; the Footstool of Your Throne is fixed there, which renders you Glorious to all Posterity.

Here, we the Knights, Citizens, and Burgeses of the Commons House, at Your Royal Feet, contracted from all Parts of Your Kingdom, Ensigns of Obedience and Humility; all these united by the Law equally distributed, which cements this Great Body to the Obedience of Your Sacred Majesty. And compels as well the Hearts, as the Hands, to contribute for the Preservation of Your Majesty and the Common Interest, Dissipates the Invaders of the Church and Common-wealth, and discovers the Impostures, but (give me leave, Dread Sovereign) knits the Crown to the Sacred Temples, and frees Majesty from the Interpretation of misdoing. Amongst these, this Great Council is most sovereign against the Distempers of this Nation.

Were they infested at Sea, troubled at home, or invaded from abroad, here was the Sanctuary of Refuge, hither was the Resort, and no other way found for a foundation of Peace.

It is reported of Constantine the Great, That he accounted his Subjects Purse his Exchequer, and so it is. Subtle Inventions may pick the Purse, but nothing can open it but a Parliament, which lets in the eye of Sovereignty upon the publick Maladies of the State, and vigilancy for the preservation of our ancient Liberties. For this, we need not search into Antiquity; if we look but a little back, there we shall see our Just Liberties Graciously confirmed by your most Sacred Majesty.

And is our Happiness shut up in the remembrance of times past only? No! those Gracious Expressions lately fallen from Your Sacred Lips, as Honey from the Comb, make glad the hearts of your People.

So that now we do more than promise to our selves a large and free consideration of the Ways to compose the Distempers of these Kingdoms, and then present them to Your Royal Hands for Perfection.

And such shall be our Deportment, that as we shall labour the continuance of our Liberties, so shall we carry a high regard to preserve that Sovereign Power, wherewith Your Majesty is invested for the preservation of Your Kingdom, and to render your Sacred Majesty Terrible to the Nations abroad, and Glorious at home.

Are these the Fruits we have enjoyed by Parliaments? We cannot then but wonder at that horrid invention in this place projected, *monstrum horrendum, informe, ingens*; but the Lord be thanked, *cui lumen ademptum est*. Can this receive a palliation? Men, Fathers, and Brethren, and all at one blast; no reverence to Sacred Bones of Princes! were we not all in a lump by them intended to be offered up to Moloch?

Let us never forget this Days Solemnization. But whither! It is too much boldness to presume longer upon Your Majesties Grace and Goodness; and therefore for the better expedition of this Service, we humbly desire;

First, That our Selves and Servants may obtain freedom from Arrest of their Persons and Goods.

Secondly, That we may have free liberty of speech, without confinement, with a full and free debate.

Thirdly, That Your Majesty will vouchsafe our repair to Your Sacred Person, upon matters of Importance, according to the ancient Privileges of the House.

That with such Alacrity we may now proceed to manifest to the World, that our Retirements were to reinforce a greater Unity and Duty ; and to endeavour a sweet Violence, which may compel (pardon, dread Sovereign, the Word *Compel*) Your Majesty to the Love of Parliaments.

And God will have the Honour, Your Sacred Majesty the Splendor, the Kingdom Safety ; and all our Votes shall pass, That Your Sacred Majesty may long, long, long Reign over us ; and let all the People say, *Amen*.

Afterwards the Commons returned to their House ; and now the King's Mace was Carried before the Speaker ; who so soon as he assumed the Chair, had the Mace laid upon the Table ; and in the first Place the House settled the Grand Committee for Privileges and Elections, which usually had wont to consist of 40 in Number.

But Mr. *Elfing*, the Clerk, in setting down their Names, hastily writ down 47 ; whereupon it was moved to reduce the Number to Forty ; but the Sense of the House was, they should stand who were named, it being no wilful Mistake of the Clerk, for that the Names were called on in a confused manner, which might make his Pen unawares increase the Number above Forty ; and Mr. *Maynard* was chosen Chairman of that Committee at the first time of their Meeting.

This Committee is appointed to Examine and Consider of all Questions that grow and arise in Parliament about Elections, Returns, or other Privileges of the House, and to report their Opinions and Proceedings therein to the House, and have Power to send for Records, Parties, Witnesses, &c. and to hear Council, and for that Service to meet this Afternoon ; and after, every *Saturday, Tuesday* and *Thursday* in the Star-Chamber at Two of the Clock.

Ordered, That it should be referred to the Committee for Privileges to consider of the Claims and Interest of all such Boroughs, as pretend to have any Title to return any Members to sit in this House, and have of late times been discontinued.

It was farther Ordered, That all such as will Question any Elections, now presently Returned, shall do the same by Petition within 14 Days ; and those that shall Question any Elections to be hereafter returned, shall likewise do the same within 14 Days after their respective Returns.

Upon the Debate of granting Time, to those that are doubly returned, for making their Choice for which Place they will serve :

It was Resolved upon the Question, *That all such as are doubly returned, shall make their Election for which Place they will serve, on Monday next, or before.*

In the next Place the House proceeded to settle their *Grand Committees*, and Ordered a Committee of the whole House for *Religion*, to meet every *Monday* at Two of the Clock in the Afternoon in the House.

A Committee of the whole House, for *Grievances*, to meet every *Wednesday* at Two of the Clock in the Afternoon, in the House.

A Committee of the whole House, for *Courts of Justice*, to meet every *Friday* at Two of the Clock in the Afternoon, in the House.

These Committees have Power to send for Writings, Books, Records, Papers, Officers, Parties and Witnesses, and to assign and hear Council, and are to report their Opinions and Proceedings to the House.

And the like Order for a Committee of the whole House for *Trade*, to meet every *Tuesday*.

It was moved, That these Grand Committees might be Ordered, to have Power to make Sub-Committees ; but it was declared by the House, that That Power was incident unto them, without any further Order.

16 *Caroli.*

Committee of Privileges and Elections Chosen in the first Place.

Mr. *Maynard* chosen Chairman to that Committee.

Power given to the Committee for Privileges and Elections.

Nov. 6.

Time to question Elections.

Double Returns.

Grand Committees, For Religion.

For Grievances.

Courts of Justice.

Committee for Trade.

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Grand Committee for Irish Affairs.

It was moved and seconded in the House, That a Committee of the whole House might consider of the Petitions and Complaints which are come out of *Ireland*; ; which Motion finding some opposition, it was put to the Question, Whether the *Irish* Affairs should be referred to a Committee of the whole House? (others being for a Select Committee.) The House was divided, and the *Yea's* went forth, and the *No's* staid in; but it was carried in the Affirmative; whereupon it was Resolved upon the Question, That the *Irish* Affairs shall be referred to a Committee of the Whole House, to meet to Morrow, being *November* the 7th, in the Afternoon, at Two of the Clock, in the House, and afterwards every *Thursday*, at the same Hour and Place, and this Committee is to have the like Power as the other Grand Committees of the whole House have.

Catalogue of Bills.

Bill against turning Tillage into Pasture.

Nov. 7.

Mrs. Bastwick, and Mrs. Burton Petition.

The House proceeded according to Custom, and Ordered, That a Catalogue of all the Bills remaining in the last Session of Parliament, be brought here on *Monday* next, by the Clerk; and afterwards they proceeded to Read one of those Bills, which was, An Act concerning the Conversion of Tillage into Pasture; (Read the First time).

Upon *Saturday*, Nov. 7. The First Petition which was preferred and read in the House, was that of *Susannah Bastwick*; and afterwards, another of *Sarah Burton*, on the Behalf of their respective Husbands, close Prisoners in remote Islands; complaining of the severe Sentence of the Court of Star-Chamber, inflicted upon them in the Pillory; and that the Petitioners, their Wives, were by particular Order not to be permitted to come and visit their Husbands. Whereupon the House Ordered, *That their said Husbands shall be forthwith sent for to the Parliament, in safe Custody, by Warrant of this House, directed to the Governors of the Isles where they are Prisoners, and to the Captains of the Castles there; and that the Cause of their Detainer may be certified hither also.*

John Brown's Petition on the behalf of his Master Mr. Prynn.

The next Petition preferred, was that of *John Brown*, a Servant to Mr. Prynn, close Prisoner in the Isle of *Fersey*, complaining of the Sentence in the *Star-Chamber* against his Master, and the Cruel putting it in Execution; and of his Banishment to a remote Island; desiring the House would send for his Master, more fully to make known his Case: And the House made the like Order for him, as was made for Dr. *Bastwick*.

The Petition of John Lilburn.

The next was the Petition of *John Lilburn*, close Prisoner in the *Fleet*, complaining of the Sentence severely inflicted upon him by the Court of *Star-Chamber*: Whereupon it was Ordered, *That he should have Liberty, by Warrant of this House, to go abroad in safe Custody, to prosecute his Petition Exhibited here; and that he be removed out of the Common Prison, where now he is, into some more convenient Place, and have the Liberty of the Fleet*: And a Committee was appointed to take his Case into Consideration.

The Petition of Alex. Leighton.

Then the Petition of *Alexander Leighton* was read, complaining of the Sentence against him in the *Star-Chamber*, and smart Execution thereof, being first Whipt, his Nose slit, branded in both Cheeks with a Red-hot Iron, his Ears cut off, and close Imprisonment: Whereupon a like Order was made concerning him, as for *John Lilburn*.

Fennings's Petition.

The Petition of *Alexander Fennings*, of the County of *Bucks*, was likewise read, complaining, That the Court of *King's-Bench* had deferred to Discharge or Bail him, being a Prisoner in the *Fleet*, by Warrant from the Lords of the Council, *without any Cause expressed*; and being brought up by *Habeas Corpus*, to the Bar of the Court of *King's-Bench*, the Writ and Return being read in Court, and the Return expressing no Cause of his Commitment, the Judges Remanded him to Prison,

Prison, and advised him to bring a Certificate, That he had paid his Assessment for *Ship-money*, in the County of *Bucks*. And he further complained, That he met with the like hardship from that Court upon another *Habeas Corpus*, which he brought the next Term after; and the same Return made as at first; but could neither be Discharged nor Bailed. Whereupon he was likewise Ordered to have Leave to prosecute his Petition, attended with a Keeper.

Much time was spent in hearing these and other Petitions; as also in Harangues and Speeches concerning the same, and other Grievances that had happened during the long Intermision of Parliaments.

The first Member that stood up at this time to represent the Grievances of his Country, was *Arthur Capel*, Esq; then Knight of the Shire for the County of *Hertford*, afterwards Lord *Capel*, who presented a Petition in the Name of the Freeholders of that County, setting forth the Burden and Oppressions of the People, during the long Intermision of Parliament, in their Consciences, Liberties, and Properties, and particularly in the heavy Tax of *Ship-Money*.

Names of
some of the
Members who
presented
Grievances.

Mr. *Henry Bellasis* (Son to the Lord *Falconberg*) and *Ferdinando* Lord *Fairfax*, Knights of the Shire for the County of *York*, presented a Petition of the Gentry and Freeholders in that County, complaining of the Grievances before-mentioned, but more especially Representing *Ship-Money* as a Great and Crying Grievance.

Sir *John Wray* did the like for *Lincolnshire*, who was their Knight: Sir *Hugh Cholmely* presented Grievances suffered by the Town of *Scarborough* in *Yorkshire*: Sir *Philip Musgrave*, for *Westmorland*: Sir *Francis Seymore*, for *Wilts*: Sir *John Packington*, for *Worcestershire*: Sir *Guy Palmes*, for *Rutland*: Sir *Edmund Montford*, for *Norfolk*: Sir *Tho. Barrington*, for *Essex*: Mr. *Will. Pierpoint*, for *Shropshire*: Sir *John Culpeper*, for *Kent*: Sir *Anthony Irby*, for the Town of *Boston* in *Lincolnshire*; and divers other Knights and Burgeses did the like for other Counties and Boroughs.

Amongst the rest, Mr. *Pym* made the following Speech:

Mr. *Speaker*,

TO Redress Grievances, will not hinder, but further the Service of the King. To take away the Weights, does as much advantage Motion, as to add Wings.

I shall first instance several Heads of those Grievances we labour under. 2. Demonstrate them to be as hurtful to the King, as to the People. 3. That the Remedies will prove equally good to both of them.

The King can do no Wrong; The Law casts all Miscarriages upon the *Ministers*: Thus the Influence of Heaven conveyeth Vigor into Sublunary Creatures; but the malignity of all Epidemical Diseases proceedeth from the ill-affected Qualities of the Earth or Air.

There are a Threefold sort of Grievances: 1. Some against the Privilege of Parliament. 2. Others to the prejudice of Religion. 3. Some against the Liberty of the Subject.

For the First, The Members are free from Arrests; to have Liberty of Speech; a *Legislative*, *Judiciary*, and *Conciliary Power*; being the same to the Body Politick, as the Faculties of the Soul to a Man.

These Privileges have been broken: First, in restraining the Members from speaking. 2. In forbidding the Speaker to put a Question: Both of these practised in the last Parliament. 3. By Imprisoning divers Members for Matters done in Parliament. 4. By Proceedings against them for the same in the Inferior Courts. 5. Enjoyning them to give Security for their good Behaviour, and continuing them in Prison, even to the Death. 6. In abrupt Dissolutions of Parliament: The great Grievance; like the Execution of a Man, without being heard: It receives a Being by the Summons, and a Civil Death by Dissolution; not only thereby to dye, but to be made *Intestables*, incapable of making their *Wills*, the good Acts that they were about.

The

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Mr. *Pym's*
Speech.

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The Second is, Encouragement of Popery: First, By *Suspension* of Laws against them: Now 'tis certain, there can be no Security from Papists, but in their Disability; Their Principles are incompatible with any other Religion; Laws will not restrain them, nor *Oaths*; for the Pope dispenseth with both; and his Command acts them against the Realm in Spirituals and Temporals in *Ordine ad Spiritualia* Henry the Third, and Henry the Fourth of France, were no Protestants, yet were murdered because they tolerated Reformation. 2. By allowing them Places of Trust and Honour in the Commonwealth. 3. Their free Resort to London, and to the Court, to communicate their Counsels and Designs, diving into the Secrets of State. 4. That as they have a Congregation of Cardinals at Rome, for advancing the Pope's Authority in England; so have they a *Nuncio* here for the Execution thereof.

Then as to *Innovations* of Religion introduced: First, Maintenance of *Popish Tenets*, in Books, Sermons, and Disputations. 2. Practice of *Popish Ceremonies* countenanced and enjoined, as Altars, Images, Crucifixes, Bowings, &c. These I may in some respect compare to the *Dry Bones* in *Ezekiel*; which first came together, then *Sinews and Flesh* came upon them, afterwards the *Skin* cover'd them, and then *Breath and Life* was put into them; so first the *Form*, then the *Spirit and Life* of Popery was to come amongst us. 3. Preferment of Persons Popishly affected. 4. The discouragement of Protestants by over-rigid Prosecutions of the scrupulous for Things indifferent: No *Vice* made so great as *Inconformity*; by punishing without Law, for not Reading the Book for *Sunday Recreations*; for not removing the Communion Table otherwise; for not coming to the *Rails* to receive the Communion; for Preaching on the Lord's Day in the Afternoon; for *Catechising* otherwise than as in the short Catechism in the Common-Prayer-Book. 5. By intrenchment of Ecclesiastical Jurisdiction; Particularly, 1. In *Fining* and Imprisoning without Law. 2. Challenging their Jurisdiction to be appropriated to their Order *Jure Divino*. 3. Contriving and Publishing new Articles of Visitation, new Canons; and the boldness of Bishops, and all their subordinate Officers and Officials.

As to the Third Sort of Grievances, I shall observe rather the order of Time when they were acted, than the Consequence; but when we come to the *Cure*, it will be best to begin with the most important.

There is First *Tunnage and Poundage*, and the late new Book of Rates taken by Prerogative, without Grant of Parliament; from whence these Inconveniences follow: 1. Mens Goods are seized, their Suits stopt. 2. Misemployment of the Sums of Money imposed; for though intended for the *Guard of the Seas*, they are disposed to other uses, and a new Tax raised for the same purpose. 3. The Burthen excessive, Trade hindred, Home-Commodities abused, and Foreign Inhanfed; by which means the Stock of the Kingdom is diminished, especially insupportable to the poor Planters in *America*, by the Tax upon *Tobacco*.

There is *Composition for Knighthood*; which though it refers to a former Custom, yet upon the same Grounds, the King may renew it by a new Fine; immoderate multiplication of Distress and Issues, and inforce them to compound with the Commissioners. An Inundation of *Monopolies* undertaken by Papists, and full of Mischief. 1st, By Impairing the Goodness, and Inhanfing the Price of *Salt, Soap, Beer, Coals, &c.* 2dly, Under colour of which, Trade was restrained to a few Hands. 3dly, Many Persons thereupon Illegally Imprisoned.

But the great and unparallel'd Grievance is the *Ship-Money*, being aggravated, not supported by the Judgment, which is not grounded upon Law, Custom, President, or Authority: It being improper for a Case of Necessity, and abounding in variety of Mischief. As, 1st. The General Extent to all Persons, all Times, and the Subject less remediless. 2dly. The Arbitrary Proportion without Limits. 3dly, Imposed by Writ, and disposed by Instructions. *Improper*, for the Office of a Sheriff in the Inland Counties, and inconvenient for the Inhabitants; without rule, or suitable means for the levying or managing of it.

The Enlargements of *Forests* beyond the Bounds of the Statutes, 27 & 28 Ed. 1. which Perambulations then were the Cause of that famous *Charta de Foresta*; And now reviving these old Questions, new Distempers may follow, and particular Obliquities we may already observe, and Surreptitious Proceedings, as in *Essex*; yet that Verdict was enforced in other Counties, and a Judgment upon the Matter after Three or Four Hundred Years quiet Possession of the Subject, who thereupon is forced to compound for great Fines.

The selling of *Nusance*: The King as a Father of the Commonwealth, is to take Care of the Publick Commodities and Advantages of the Subjects, as Rivers, Highways,

Highways, and Common-Sewers, by ordinary Writs *Ad quod Damnum*: But now by a course Extrajudicial, by enforcing Compositions; so then, if really it be a *Nusance* that is compounded for, 'tis an hurt to the People; if *no Nusance*, then 'tis a grand prejudice to the Party.

The Commission for *Buildings* about *London*, was presented as a Grievance in the time of King *James*, now much more Increased, and much more Prejudicial.

The Commission for *Depopulations* began some few years since; by both these Commissions, the Subject is restrained from disposing of his own; demolishing their Houses, punishing and fining their Persons for that, for which they are still liable by Law; for the King cannot License a *Nusance*; and although these are not *Nusances*, yet it is of ill consequence to be compounded for, and may make a precedent for Kings to License such things as are *Nusances* indeed.

Military Charges ought not to be laid upon the People by Warrant of the King's Hand, nor by Letters of the Council-Table, nor by order of the Lords Lieutenants of Counties, nor their Deputies. It began to be practised as a Loan for Supply of *Coat and Conduct Money* in Queen *Elizabeth's* time, with promise to be Repaid it, as appears by a *Constat-Warrant* in the Exchequer, and certain Payments: But now-a-days never Repaid. The first Particular brought into a Tax, was, the *Musters-Masters Wages*; which being but for a small Sum, was generally digested: Yet in the last Parliament, it was designed to be Remedied. But now there follows *Pressing* of Men against their Wills, or to find others. 2dly. Provisions for publick Magazines, for Powder, Spades and Pickaxes. 3dly. Salary of Officers, Cart-horses, Carts, and such like.

The Extrajudicial Declarations of Judges without hearing of Council or Argument: a teeming Grievance, productive of many others.

Monopolies countenanced by the Council-Table, and the Clause in their Patents of Monopolies, commanding the Justices of Peace to Assist them; whereby the great Abilities of that Honourable Board, receive a stain by such matters of so mean a report in the Estimation of the Law, so ill in the Apprehension of the People.

The High Court of *Star-Chamber*, called in the Parliament Rolls *Magnum Concilium*, to which the Parliaments were wont to refer such matters as they had not time to determine: A Court erected against Oppression; a Court of Councils, and a Court of Justice; now an Instrument of erecting and defending Monopolies, to set a face of publick good on things pernicious.

That great and most eminent Power of the King in *Edicts* and *Proclamations*, called *Leges Temporis*, used heretofore to encounter with sudden and unexpected danger, till the *Great Council* of the King could be called, hath of late been exercised for enjoining and maintaining Monopolies.

But the last and greatest Grievance leads us a step higher, even as high as Heaven, as the Throne of God, his Word and Truth. The ambitious and corrupt Clergy, *Preaching* down the Laws of God, and *Liberties* of the Kingdom; pretending Divine Authority and Absolute Power in the King, *to do what he will* with us; and this Preaching is the high-way to Preferment; as one *Manwaring* Sentenc'd in the former Parliament for this Doctrine, then a *Doctor*, is now become a *Bishop*.

The Intermission of Parliaments contrary to the Statute, whereby they are to be called *once a Year*, is the main cause of all these and other Mischiefs, to which Parliaments give Remedy.

These Grievances are as well hurtful to the King as to the Subjects, by interrupting their Communion; they have need of his general Pardon, and to be secured from *Projectors* and *Informers*; to be freed from *Obsolete Laws*, and from the subtle devices of such who seek to strain the Prerogative to their own private Advantage, and the Publick Hurt; and the King hath need of them for *Counsel*, for Support. Queen *Elizabeth's* Victorious Attempts, were for the most part carryed on upon the Subjects Purfes, and not upon her own; tho' the Honour and Profit were Hers. These discontents at home diminish the King's *Reputation* abroad; and disadvantage his Treaties, and weaken his Party beyond Seas, by encouraging *Popery*; by forcing the Subjects to leave the Kingdom, to the prejudice of the King's Customs and Subsidies. As for instance: Divers *Clothiers* forced away, who set up their Manufacture abroad to the hurt of the Kingdom. The King hath received upon the Monopoly of Wines, *Thirty Thousand Pounds per Ann.* The Vintner pays Forty Shillings per Tun, which comes to Ninety thousand Pounds: The Price upon the Subject by Retail is increased Two-pence a Quart, which comes to Eight Pounds a Tun; and so Forty five thousand Tun brought in Yearly, amounts to *Three hundred sixty thousand Pounds*;

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Pounds ; which is Three hundred and thirty Thousand Pounds *loss* to the Kingdom, above the King's Receipt.

Now the Remedies, and removing these Grievances, consist of two main branches, in *Declaring the Law* where it is doubtful ; and in providing for the Execution of the Law where it is *Clear*. But these I refer to a further time, and for the present advise speedily to desire a Conference with the Lords touching *Grievances* ; and always to Humble our selves for God's Assistance.

Sir Benjamin Rudyard's SPEECH. Nov. 7. 1640.

Mr. Speaker,

WE are here Assembled to do God's business and the King's, in which our *Own* is included, as we are *Christians*, as we are *Subjects* : Let us first Fear God, then shall we Honour the King the more: For I am afraid we have been the less prosperous in Parliaments, because we have preferred other matters before Him. Let Religion be our *primum querite*, for all things else are but *et cetera's* to it ; yet we may have them too, sooner and surer, if we give God his Precedence.

We well know what Disturbance hath been brought upon the Church for vain *petty trifles* : How the whole Church, the whole Kingdom hath been troubled where to place a *Metaphor*, an *Altar*. We have seen Ministers, their Wives, Children, and Families undone, against Law, against Conscience, against all bowels of Compassion, about not *Dancing on Sundays*. What do these sort of men think will become of themselves, when the *Master of the house* shall come, and find them thus beating their fellow-Servants ? These inventions were but *Sieves* made on purpose to winnow the *best men*, and that's the Devil's occupation ; they have a mind to worry *Preaching* ; for I never yet heard of any but diligent Preachers, that were vext with these and the like devices. They despise Prophecy, and as one said, they would fain be at something were like the *Moss*, that will not *Bite* : A *Muzzl'd Religion*. They would evaporate and dispirit the Power and Vigor of Religion, by drawing it out into solemn, specious *Formalities*, into obsolete antiquated *Ceremonies* new furbish'd up ; And this (be-like) is the *good work* in hand, which Dr. *Heylyn* hath so often celebrated in his bold Pamphlets. All their Arts and Actions are so full of mixture, involutions, and complications, as nothing is *clear*, nothing sincere in any of their Proceedings ; let them not say, that these are the *perverse suspicions* and malicious interpretations of some few *factious* Spirits amongst us ; when a *Romanist* hath bragged, and congratulated in Print, That *the face of our Church begins to alter, the language of our Religion to change* : And *Sancta Clara* hath Publish'd, That *if a Synod were held, Non intermixtis Puritanis* (Setting Puritans aside) *our Articles, and their Religion would soon be agreed*. They have so brought it to pass, that under the Name of *Puritans*, all our Religion is branded ; and under a few hard words *against Jesuits*, all *Popery* is countenanced.

Whosoever squares his Actions by any Rule, either Divine or Humane, he is a *Puritan* ; whosoever would be governed by the King's Laws, he is a *Puritan* ; he that will not do whatsoever other men would have him do, *he is a Puritan* : Their great work, their Masterpiece, now is to make all those of the Religion, to be the *suspected Party* of the Kingdom.

Let us further reflect upon the ill effect these Courses have wrought, what by a *defection* from us on the one side, and a *separation* on the other ; some imagining whither we are tending, made haste to turn or declare themselves *Papists* before-hand ; thereby hoping to render themselves the more Gracious, the more Acceptable. A great multitude of the King's Subjects, striving to hold Communion with us, but seeing how far we were gone, and fearing how much further we would go, were forced to *Fly the Land*, some into other inhabited Countries, very many into Savage *Wildernesses*, because the Land would not bear them : Do not they that cause these things, cast a *Reproach* upon the Government ?

Mr. Speaker, Let it be our principal Care, That these ways neither *continue* nor *return* upon us : If we secure our Religion, we shall cut off and defeat many Plots that are now on foot by them and others : Believe it, Sir, *Religion* hath been for a long time, and still is the great design upon this Kingdom ; it is a known and practised Principle, That they who would introduce another Religion into the Church, must first Trouble and Disorder the Government of the *State*, that so they may work their ends in a Confusion, which now lyes at the door.

I come

I come next, Mr. *Speaker*, to the *King's Business* more particularly, which indeed is the Kingdoms; for one hath no Existence, no Being without the other, their relation is so near; yet some have strongly and subtilly laboured a divorce, which hath been the very *Bane* both of King and Kingdom.

When Foundations are shaken, it is high time to look to the Building; he hath no Heart, no Head, no Sense, that is not moved in his whole Man, to look upon the distresses, the miseries of the Common-wealth; that is not forward in all that he is, and hath, to redress them in a right way.

The King likewise is reduced to great *Streights*, wherein it were *unlutfulness beyond inhumanity*, to take *advantage* of him: Let us rather make it an advantage for him, to do him *best Service*, when he hath *most need*: Not to seek our own good, but in him, and with him, else we shall commit the same Crimes our selves, which we must condemn in others.

His Majesty hath clearly and freely put himself into the Hands of this Parliament; and I presume, there is not a *Man* in this House, but feels himself advanced in this high Trust; but if he prosper no better in our hands than he hath done in *theirs*, who have hitherto had the handling of his Affairs, we shall for ever make our selves *unworthy* of so gracious a Confidence.

I have often thought and said, That it must be some *great extremity*, that would recover and rectify this State; and when that Extremity did come, it would be a great hazard whether it might prove a *Remedy* or *Ruin*. We are now, Mr. *Speaker*, upon that vertical turning Point, and therefore it is no time to palliate, to foment our own undoing.

Let us set upon the *Remedy*. We must first know the *Disease*: But to discover the Diseases of the State, is (according to some) to traduce the Government; yet others are of opinion, that this is the half way to the Cure.

His Majesty is wiser than they that have advised him, and therefore he cannot but see and feel their subverting, *desiructive Councils*, which speak louder than I can speak of them; for they ring a doleful deadly *knell* over the whole Kingdom. His Majesty best knows who they are: For us let the matters bolt out the Men; their Actions discover them.

They are Men that talk loudly of the King's *Service*, and yet have done none but their own, and that's too evident.

They speak highly of the King's *Power*; but they have made it a miserable Power, that produceth nothing but *weakness*, both to the King and Kingdom.

They have exhausted the King's *Revenue* to the bottom; nay through the bottom, and beyond.

They have spent *vast sums* of Money wastfully, fruitlessly, dangerously: So that *more Money*, without other Councils, will be but a swift undoing.

They have always peremptorily pursued one obstinate pernicious Course; First, they bring things to an extremity, then they make that extremity of their own making, the *reason* of their next Action, seven times worse than the former, and there we are at this instant.

They have almost spoiled the best instituted Government in the World, for *Sovereignty* in a King, *Liberty* to the Subject; the proportionable temper of both which, makes the happiest State for Power, for Riches, for Duration.

They have unmannerly and flubberingly cast all their Projects, all their Machinations upon the King; which no wise or good Minister of the State ever did, but would still take all harsh, distastful things upon themselves, to clear, to sweeten their Master.

They have not suffered His Majesty to appear unto his People, in his own native Goodness.

They have *eclipsed* him by their interposition: But although gross condense Bodies, may obscure, and hinder the *Sun* from shining out, yet he is still the same in his own splendor: And when they are removed, all creatures under him are directed by his *Light*, comforted by his *Beams*. But they have framed a superstitious seeming Maxim of State for their own turn, That, if a King will suffer Men to be torn from him, he shall never have any service done him. When the plain Truth is, that this is the surest way to preserve a King from having ill *Servants* about him. And the Divine Truth is, *Take away the wicked from the King, and his Throne shall be establish'd*.

Mr. *Speaker*, now we see what the Sores are in general; and when more particulars shall appear, let us be very careful to draw out the *Cores* of them; not to

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skin them over with a slight Suppurating, Feltring Cure, lest they break out again into a greater Mischief. Consider of it, consult, and speak your Minds.

It hath heretofore been boasted, That the *King should never call a Parliament, till he had no need of his People*: These were Words of division and malignity. The King must always, according to his Occasions, have use of his Peoples Power, Hearts, Hands, Purse; The People will always have need of the King's Clemency, Justice, Protection: And this *reciprocation* is the sweetest, the strongest Union.

It hath been said too of late, That a Parliament will *take away more from the King than they will give him*. It may well be said, That those Things which fall away of themselves, will enable the Subjects to give him more than can be taken any way else. Projects and Monopolies are but *leaking Conduit Pipes*; the Exchequer it self, at the fullest, is but a *Cistern*, and now a *broken one*: *Frequent Parliaments* only are the *Fountain*: And I do not doubt but in this Parliament, as we shall be free in our Advices, so shall we be the more *free of our Purse*; that His Majesty may experimentally find the real difference of better Councils, the true solid grounds of raising and establishing his Greatness, never to be brought again (by God's blessing) to such dangerous, such desperate Perplexities.

Mr. Speaker, I confess I have now gone in a Way much against my Nature, and somewhat against my *Custom* heretofore used in this Place; but the deplorable, dismal condition both of Church and State, have so far wrought upon my Judgment, as it hath convinced my disposition; yet I am not *vir sanguinum*, I love no Man's Ruin; I thank God, I neither *bate* any Man's Person, nor *envy* any Man's Fortune; only I am zealous for a thorough Reformation, in a Time that exacts it, that extorts it. Which I humbly beseech this House, may be done with as much Lenity, much Moderation, as the publick Safety of the King and Kingdom can possibly admit.

Mr. Bagshaw's Speech, Novemb. 7. 1640.

Mr. Bagshaw's
Speech,
Nov. 7. 1640.

Mr. Speaker,

I Had rather Act than speak in those weighty businesses of the Kingdom, which have been so excellently handled by these worthy Gentlemen that spake last, and therefore I will be short: For when I look upon the Body of this goodly and flourishing Kingdom in Matters of Religion, and of our Laws, (for like *Hippocrates's* Twins, they live and dye together) I say, when I behold these in that state and plight, as they have been represented to us, *Flere magis libet quam dicere*. But this is our Comfort, Mr. Speaker, that we are all met together for the welfare and happiness of Prince and People; And who knows whether this may not be the appointed Time, wherein God will restore our Religion as at the first, and our Laws as at the beginning?

The Honour of a King consisteth in the weal of his People: This undoubted Maxim his Majesty hath made good by His late Gracious Speech and Promise to us, to redress all our Grievances, to destroy the Enemies of our Peace and Plenty.

To make a People Rich, they must have *ease* and *justice*; Ease in their Consciences from the bane of Superstition; from the intolerable burthen of Innovation in Religion; and from the racks and tortures of new-fangled *Oaths*. They must be eased in their Persons (being *liberi homines*, and not *Villani*) from all illegal Arrests and Imprisonment against *Magna Charta*, being our greatest Liberties; They must be eased in their *Lands*, from Forests where never any *Deer* fed; from *Depopulations*, where never any Farm was decayed; and from *Inclosures*, where never any Hedges were set. They must, lastly, be eased in their *Goods*, from the exactions and expropriations of Pursevants and Apparitors, of *Projectors* and *Monopolists*, *Humanarum calamitatum mercatores*, as an Ancient finely call them. And if the People have all these easements, yet if they have not *Justice*, they cannot subsist; Justice is to the Civil Body, as *Food* to the Natural; if the Stream of Justice be by Unrighteousness turned into *Gall and Wormwood*; or by Cruelty, like the *Egyptian* Waters, be turned into *Blood*; those which drink of those Brooks must needs dye and perish.

The Law saith, That all Justice is in the King, who is stiled in our Book, *Fons Justitiæ*, and he commits it to his Judges for the Execution, wherein he trusts them with two of the chiefest Flowers which belong to his Crown; the Administration of his Justice, and the exposition of his Laws: But he will not trust them without an *Oath* required of them by the Statute of 18 *Edw. 3.* which is so strict and severe, that

that it made a Judge whom I know, though honest and strict, yet to *quake and tremble* at the very mention of it. The Effect of the Oath is, That they *should do equal Law, and execution of Right to all the King's Subjects, Poor as well as Rich, without regard of any Person. That they should not deny to do common Right to any man by the King's Letters, or for any other Cause : And in case such Letters do come, that they proceed to do according to the Law, notwithstanding such Letters, or for any other Causes, as they will answer to the King, in Bodies, Goods and Lands.* How this Oath hath been performed, we have seen and felt ; I need say no more. But when I cast my Eyes upon the inferior Courts of Justice, wherein no such Oath is required ; I mean the *High Commission*, and other Ecclesiastical Courts, my Soul hath bled for the *Wrong and Pressures* which I have observed to have been done and committed in these Courts, against the King's good People ; especially for the most monstrous Abuse of the Oath *ex Officio* ; which, as it is now used, I can call no other than *Carnificina Conscientia* : I have some reason to know this, that have been an Attendant to the Court these Five Years for my self, and a dear Friend of mine, some time Knight of our Shire, for a *meer trivial* Business ; that the most that could be proved against him, was the *putting on his Hat* in the time of Sermon ; of which Court I shall say more, and make good what I say, when those Ulcers come to be opened.

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Mr. *Speaker*, I say, these Worthies that spake before me, have told you of our Miseries ; but I cannot tell you of the Remedies : For Things are come to that height, that I may say, as *Livy* said of the *Roman State* in his time, *Nec vitia nostra scire possumus nec remedia* ; for no Laws will now do us good : Better Laws could not have been made, than the Statute of *Monopolies against Projectors*, and the *Petition of Right*, against the Infringers of Liberties ; and yet, as if the Law had been the Author of them, there have been within these few Years more Monopolies and Infringements of Liberties, than have been in any Age since the *Conquest* : And if all those vile *Harlots*, as *Queen Elizabeth* called them, that have been the Authors of those Evils, and the Troublers of our *Israel*, do go unpunished, it will never be better with us ; for now during Parliament, like *frozen Snakes* their Poyson dries up ; but let the Parliament *Dissolve*, and then their Poyson melts and scatters abroad, and doth more hurt than ever. What then must be done ? Why, what the *Plaister* cannot do must be done by the *Saw* ; *Ense recidendum est, ne pars sincera trabatur.* I cannot better *English* it than in the Words of a King, *Let them be cut off in their wickedness, that have framed mischief as a Law.* My Conclusion, Mr. *Speaker*, is this, Let the woful Violation of the Statute of Monopolies, and the *Petition of Right*, be made *Felony*, or *Premunire* at the least ; but yet in the interim, let them be made Examples of Punishment, who have been the Authors of all those Miseries, according to the Counsel of *Solomon* ; *Take away the wicked from before the King, and his Throne shall be established in Righteousness.*

Sir John Holland's Speech.

Mr. *Speaker*,

Times of Action are not for Rhetorick and Elocution, which emboldens me to rise ; and tho' I must acknowledge my self one of the youngest Scholars, and meanest Proficients in this great School of Wisdom, yet I conceive it a great part of my Duty at this time, both to deliver my Suit and Conscience. We are called hither, Mr. *Speaker*, by the Royal Power, we sit here by the King's Majesty's Grace and Favour ; and since His Majesty hath been graciously pleased to leave the Government of all in our Hands, I doubt not but we shall lay such a Foundation in the beginning of this Parliament, that we shall make it a happy Age, a long lasting one ; since the Dangers of these Times, the present Distempers of this State, and therein both His Majesty's, and our Necessities, yea, and the whole Kingdom's Safety do require it.

Sir John Holland's Speech,
1640.

We are called, Mr. *Speaker*, as I conceive, from the Reports you have made of His Majesty's Gracious Declaration, for Four principal Causes. *First*, For Supply of His Majesty's Wants. *Secondly*, For Relief of our Brethren in the Northern Parts. *Thirdly*, For the Remove of the Scots Forces. *Fourthly*, For Redress of our own Grievances. That His Majesty's Wants are great and many, Mr. *Speaker*, I think there is no Man doubts it ; and it is as certain our Grievances are so too, they are great and many both in Church and Commonwealth ; I shall but touch them in either, since they have been so fully remonstrated in both.

An. 1640.

First, In the Church, by the usurping Powers of some *Prelates*, and their Adherents ; by which means many great Dangers, Innovations of Doctrines, of Discipline, of Government, have been thrust upon us.

Secondly, In the Church, by publick Sufferances of *Priests* and *Jesuits*, not only to come into the Land, by which means the Number of the *Roman Catholics* is dangerously multiplied, Idolatry increased, and God's heavy Judgments highly provoked.

Thirdly, In the Common-wealth, by the late Inundations of the Prerogative Royal, which have broken out, and almost overturned all our Liberties, even those which have been best and strongest fortified, the Grand Charter it self. Mr. *Speaker*, that which hath been so oft, so solemnly confirmed in the Succession of so many Princes, ratified in His Majesty's Name, founded by the Wisdom of former Ages, purposely to keep the Beam even betwixt Sovereignty and Liberty :

Even this, Mr. *Speaker*, the dearest and chiefest Part of our Inheritance, hath been infringed, broken, and set at nought, in the Common-wealth, by the over-potency of some Great Ones, sacred Counsellors of State ; by whose Advices it is thought the greatest part of these present Distempers, under which the Body of this Common-wealth at this time labours, do derive their *Originals*.

Fourthly, In the Commonwealth, by the mischievous Practices and Policies of some subtle Projectors ; and under the Title of the King's Profit, and the publick Good, they have intitled themselves to great and vast Estates, and that by the damage of the whole Kingdom.

They are, Mr. *Speaker*, the very Moths and Cankers that have fretten and eaten out all Trade and Commerce, the very Beauty, Strength and Health of this famous Island.

Fifthly, In the Common-wealth, by the Entertainment of *Foreigners* and Strangers, and that at His Majesty's excessive Charge ; by which means His Majesty's Coffers are emptied, His Revenues shortned, and the whole Kingdom many Ways oppressed. But, Mr. *Speaker*, I shall not trouble my self any further in so vast, so large a Field ; I shall now represent my own weak Apprehensions for our Progressions in all the Particulars for which we have been called, and in all Humility submit them.

First, Touching supplying His Majesty's Wants, I do humbly desire we may proceed therein within its due time ; and that with as much Loyal Duty and Liberality, as ever any People expressed towards their Prince ; I think I may say the present Affairs of the Kingdom require it.

For the Relief of our Brethren in the *Northern* Parts, with a Sense of Charity, and Fellow-feeling of their Miseries, Afflictions and Losses, in removing the *Scotish* Army with a soft and gentle Hand of Mediation, Pacification, and Reconciliation, if possibly it may be wrought with His Majesty's Honour, and the Kingdom's Safety ; if not, then to repel and repulse them with stout and resolute Spirits, with valiant and united Hearts and Hands, such as shall best suit with our Duty to God, our King, our Country ; such as shall best become his Honour, and the ancient Renown of this *English* Nation.

In Redress of our *Grievances*, in those of the Church, which ought to have Priority in our Consultations, as well in respect of Necessity, as Dignity. In these, Mr. *Speaker*, I do humbly desire, and doubt not but we shall proceed with all true Piety, and well-grounded Zeal to God's House, and his Truth. In those of the Commonwealth, with a religious care of our Country's Freedom, in the faithful performance of the Trust reposed in us, by them that sent us, in the preservation of our Rights, our ancient Rights, the Rights of our Inheritance, our Liberties, our Privileges, our Properties.

Yet in all, Mr. *Speaker*, I do humbly desire we may proceed, as best suiting the Matter and Condition of these distempered Times, and as best becoming the Honour, Dignity, and Wisdom of this so great a Court, so great a Council, with all Temper, Modesty, and all due Moderation.

So numerous were the Complaints and Petitions touching Grievances, that the whole House was divided, and subdivided into above Forty Committees to hear and examine them ; but the main were reducible to these Four General Heads :

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I. Committees concerning Religion, Innovations in the Church, and Grievances by Ecclesiastical Courts.

II. Committees concerning publick Affairs in general, and particularly concerning Ireland and Scotland.

III. Other Committees were relating to Ship-Money, Judges, and Courts of Justice.

IV. Committees concerning Popery ; The Popish Hierarchy ; The Pope's Nuncio, Plots, Designs, &c.

A Fast defin'd.

At this time the House desired Sir Thomas Roe, and Three Members more to withdraw, and Present to the House, Motives to be presented to the Lords for a Fast ; and that both Houses might jointly move the King for the same. Upon Report from the Committee, this Message was agreed upon, *That the House of Commons having taken into Serious Consideration, the weighty Occasions of this Assembly of Parliament ; Concerning the true Worship of Almighty God, and the Safety and Welfare of the King and this whole Realm ; and well knowing a right way to obtain a blessed Issue thereof, is to Implore the Divine Assistance, the Fountain of all Wisdom and Unity, to direct them all in their Consultations, by one Day's Solemn Humiliation in Fasting and Prayer ; and in Confidence of their Lordships great Piety, to desire them to joyn with the House of Commons to move His Majesty for his gracious Allowance to so holy a Preparation to the Important Affairs of both Houses of Parliament ; which being first begun and here done, that he would be further pleased to appoint another Day for a General Fast, throughout the whole Kingdom, in such seasonable Time as shall seem to his Wisdom most Convenient.*

And Sir Thomas Roe was sent up with a Message to the Lords to this Purpose ; who afterwards reported, That he had attended the Lords, and delivered the Message, and received this Answer :

Agreed to by the Lords.

That His Majesty should be moved in the Name of both Houses, first for a Fast for both Houses and the City ; and next for a General Fast through the whole Kingdom ; and that the House of Peers did gladly receive that Motion from this House, and will joyn in an humble Petition to His Majesty, and will render this House an Account.

Nov. 9.

A Message brought from the Lords by Mr. Attorney General, and Sir Robert Rich, one of the Masters of Chancery, to this Effect :

And by the King..

The Lords House sent us with this Message to the House of Commons, That their Lordships have presented to His Majesty the humble Desires of both Houses concerning a Fast ; to which His Majesty hath been pleased to give a gracious Answer ; and the Lords desire a present meeting of both Houses, concerning the Time and other Particulars. They further said, That the Number of the Lords appointed on this Occasion were Twelve.

Mr. Speaker returned Answer, That this House hath Considered of the Message, and will give the Lords a Meeting presently, with a Proportionable Number of the Commons. Whereupon the Committee following was named.

Mr. Treasurer,

Sir Thomas Roe,

Mr. Hampden.

Sir Benjamin Rudyard.

Mr. Fiennes,

Mr. Porter,

Sir Francis Seymore,

Sir Sidney Mountague.

Lord

An. 1640.

Lord Rich,
Mr. Pym,
Sir John Strangways,
Mr. Comptroller,
Lord Fairfax,
Lord Russell,
Lord Digby,
Lord Wayman,

Lord Ruthen,
Lord Herbert,
Sir Miles Fleetwood,
Lord Cranborne,
Mr. Bellasis,
Lord Buckhurst,
Mr. Secretary Windebank.

Sir Thomas Roe reports from the Committee that went up to meet with the Committee of Lords,

That the Committee of Twelve Lords having met the Committee sent by this House, concerning their Resolutions of a Time for a Fast, their Lordships were pleased to send my Lord of *Canterbury*, my Lord Marshal, and my Lord Chamberlain, to His Majesty, to signify the Request of both Houses; and that His Majesty did graciously condescend to their Desires; referring to this Committee to appoint a Time for both their Contents: My Lords did therefore make a Motion unto us of the Committee of this House, That upon Resolution with themselves, if this House thought fit and convenient, That the particular Fast for both Houses, and the City of *London*, might be on *Tuesday* come Sevensnight; and for the publick Fast throughout the Kingdom, to be to Morrow Month. They did think we had been prepared to have given them an Answer, and desired you instantly to send them Word; for they will sit purposely in the Painted Chamber till you send an Answer.

Resolved upon the Question, That the particular Fast for both Houses, and for the City of *London*, shall be on *Tuesday* come Sevensnight; and the General Fast on *Tuesday* come Month.

The same Committee went up with this Answer to the Lords, who agreed with the Commons as to the Time for the Fast.

The House also at this time thought fit to appoint a Committee, with Power, to make Enquiry what Number of Papists are in and about *London*, and Ten Miles thereof, and how they are Armed; and that after the King's Proclamation shall come forth for Disarming of the Popish Recusants, and Removal of them according to His Majesty's Gracious Message, then to see how that Proclamation hath been Executed; and to have Power to send for any Records or Papers, that may inform the Committee of any Dispensations, Discharges, or Immunities granted to Recusants for exempting of them from the Penalty of the Laws, and are to meet in the *Exchequer-Chamber*.

The Lord Digby's S P E E C H.

Mr. Speaker,

YOU have received now a solemn Account from most of the Shires of *England*, of the several Grievances and Oppressions they sustain, and nothing as yet from *Dorsetshire*: Sir, I would not have you think that I serve for a Land of *Goshen*, that we live there in Sun-shine, whilst *Darkness* and *Plagues* over-spread the rest of the Land: As little would I have you think, that being under the same sharp measure with the rest, we are either insensible and benumb'd, or that that Shire wanteth a *Servant* to present its Sufferings boldly.

It is true, Mr. Speaker, the County of *Dorset* hath not digested its Complaints into that formal way of *Petition*, which others (I see) have done; but have intrusted them to my Partners, and my delivery of them by Word of Mouth unto this Honourable House. And there was given unto us in the *County-Court*, the Day of our Election,

The Lord
Digby's
Speech,
Nov. 9.—

tion, a short Memorial of the Heads of them, which was read in the hearing of the *Freeholders* there present, who all unanimously with one voice signified upon each Particular, that it was their Desire that we should represent them to the *Parliament*, which with your leave I shall do, and these they are.

1. The great and intolerable Burthen of *Ship-Money*, touching the Legality whereof they are unsatisfied.

2. The many great Abuses in *pressing of Soldiers*, and raising Monies concerning the same.

3. The Multitude of *Monopolies*.

4. The new *Canons* and the *Oath* to be taken by Lawyers and Divines, &c.

5. The Oath required to be taken by *Church-Officers* to present according to Articles new and unusual.

Besides this, there was likewise presented by a very considerable Part of the Clergy of that County a Note of Remembrance, containing these two Particulars.

1. The Imposition of a new Oath required to be taken by all Ministers and others; which they conceive to be illegal, and such as they cannot take with a good Conscience.

2. The requiring of a pretended *Benevolence*, but in Effect a *Subsidy*, under the penalty of Suspension, Excommunication and Deprivation, all Benefit of Appeal excluded.

This is all we had particularly in Charge: But that I may not appear a remiss Servant of my Countrey, and of this House, give me leave to add somewhat of my own Sense.

Truly, Mr. *Speaker*, the injurious Sufferings of some worthy Members of this House, since the dissolution of the Two last Parliaments, are so fresh in my Memory, that I was resolved not to open my Mouth in any Business wherein freedom and plain dealing were requisite, until such Time as the breach of our Privileges were vindicated, and the safety of Speech settled.

But since such Excellent Members of our House, thought fit the other Day to lay aside that *Caution*, and to discharge their Souls so freely, in the Way of Zeal to His Majesty's Service, and their Countrey's good; I shall interpret that Confidence of theirs for a lucky *Omen* to this Parliament, and with your permission, license my Thoughts too a little.

Mr. *Speaker*, under those Heads which I proposed to you, as the Grievances of *Dorsetshire*, I suppose are comprised the greatest Part of the Mischiefs which have of late Years laid Battery either to our Estates or Consciences.

Sir, I do not conceive this the fit Season to search and ventilate Particulars; yet I profess I cannot forbear to add somewhat, to what was said the last Day by a Learned Gentleman of the Long Robe, concerning the Acts of that Reverend *New Synod*, made of an old Convocation. Doth not every Parliament-Man's Heart rise to see the *Prelates thus to usurp to themselves* the grand preeminence of Parliaments? The granting of Subsidies, and that under so preposterous a Name as of a *Benevolence*, for that which is a Malevolence indeed, a Malevolence I am confident in those that granted it against *Parliaments*; and a *Malevolence* surely in those that refuse it, against those that granted it; for how can it incite less? when they see wrested from them what they are not willing to part with, under no less Penalty than the loss both of Heaven and Earth: of Heaven by *Excommunication*; and of the Earth, by *deprivation*; and this without redemption by Appeal. What good Christian can think with patience on such an *ensnaring Oath* as that, which is by the New Canons enjoined to be taken by all Ministers, Lawyers, Physicians, and Graduates in the Universities? where, besides the swearing such an Impertinence, as that things necessary to *Salvation* are contained in Discipline; besides the swearing those to be of *Divine Right*, which amongst the Learned, never pretended to it, as the *Arch Things* in our Hierarchy. Besides, the swearing not to consent to the *Change* of that, which the State may upon great Reason think fit to alter: Besides the bottomless Perjury of an *Ecetera*. Besides all this, Mr. *Speaker*, Men must swear that they swear freely and voluntarily what they are compelled unto: And lastly, That they swear that Oath in the literal Sense, whereof no two of the Makers themselves, that I have heard of, could ever agree in the understanding.

An. 1640.

In a word, Mr. *Speaker*, to tell you my Opinion of this Oath, It is a *Covenant* against the King, for Bishops and the Hierarchy; as the *Scottish* Covenant is against them, only so much worse than the *Scottish*, as they admit not of the Supremacy in Ecclesiastical Affairs, and we are sworn unto it.

Now, Mr. *Speaker*, for those particular Heads of Grievances whereby our Estates and Properties are so radically invaded; I suppose (as I said before) that it is no Season now to enter into a strict Discussion of them; only thus much I shall say of them, with Application to the Country for which I serve, that none can more justly complain, since none can more justly challenge Exemption from such Burthens than *Dorsetshire*, whether you consider it's a Country subsisting much by Trade; or as none of the most Populous; or as exposed as much as any to Foreign Invasion.

But alas, Mr. *Speaker*! Particular Lamentations are hardly distinguishable in Universal Groans.

Mr. *Speaker*, It hath been a Metaphor frequent in Parliament, and if my Memory fail me not, was made use of in the Lord Keeper's Speech at the opening of the last, That what Money Kings raised from their Subjects, it was but as *Vapours* drawn up from the Earth by the Sun, to be distilled upon it again in fructifying Showers. The Comparison, Mr. *Speaker*, hath held of late Years too *unluckily*; what hath been raised from the Subject by those violent Attractions, hath been formed, it is true into *Clouds*; but how? to darken the Sun's own lustre, and hath fallen again upon the Land only in *Hail-stones* and *Mildews*, to batter and prostrate still more and more our Liberties, to blast and wither our Affections; had not the latter of these been still kept alive by our King's own Personal Virtues, which will ever preserve him in spight of all Ill Counsellors, a sacred Object, both of our Admiration and Loves.

Mr. *Speaker*, It hath been often said in this House, and I think can never be too often repeated, That the Kings of *England* can do no wrong; but though they could, Mr. *Speaker*, yet Princes have no part in the Ill of those Actions which their *Judges* assure them to be Just, their Counsellors that they are prudent, and their Divines that they are conscientious.

This Consideration, Mr. *Speaker*, leadeth me to that which is far more necessary at this Season, than any further laying open of our Miseries, that is, the way to the Remedy, by seeking to remove from our Sovereign, such *unjust Judges*, such pernicious *Counsellors*, and such disconscient *Divines*, as have of late Years, by their wicked Practices, provoked Aspersions upon the Government of the graciousst and best of Kings.

Mr. *Speaker*, Let me not be misunderstood; I level at no Man with a fore-laid Design; let the Faults, and those well proved, lead us to the Men: It is the only true Parliamentary Method, and the only fit one to incline our Sovereign. For it can no more consist with a Gracious and Righteous Prince to expose his Servants upon Irregular Prejudices, than with a Wise Prince to *with hold Malefactors*, how great soever, from the Course of orderly Justice.

Let me acquaint you, Mr. *Speaker*, with an Aphorism in *Hippocrates*, no less Authentick, I think, in the Body Politick, than in the Natural; thus it is, Mr. *Speaker*, *Bodies to be thoroughly and effectually purged, must have their humours first made fluid and moveable.*

The Humours that I understand to have caused all the desperate Maladies of this Nation, are the *Ill Ministers*: To purge them away clearly, they must be first loosened, unsettled, and extenuated; which can no way be effected with a Gracious Master, but by truly representing them *unworthy* of his Protection.

And this leadeth me to my Motion; which is, That a Select Committee may be appointed to draw out of all that hath here been represented, such A REMONSTRANCE as may be a faithful and lively Representation to His Majesty of the *deplorable Estate* of this Kingdom, and such as may happily discover unto his Clear and Excellent Judgment, the Pernicious Authors of it. And that this *Remonstrance* being drawn, we may with all speed, repair to the Lords, and desire them to join with us in it: And this is my humble Motion.

A Remonstrance of the State of the Kingdom first moved for.

Sir John

Sir John Culpeper's Speech.

16 Caroli

Sir John Culpeper's Speech
Nov. 9.

Mr. Speaker,

I Stand not up with a Petition in my Hand, I have it in my Mouth ; and have it in charge from them that sent me hither, humbly to present to the Consideration of this House the Grievances of the County of Kent : I shall only sum them up ; they are these :

First, The great increase of *Papists*, by the remiss Execution of those Laws which were made to suppress them. The Life of Laws is *Execution* ; without this, they become but a dead Letter ; this is wanting, and a great Grievance.

The *Second* is the obtruding and countenancing of divers new *Ceremonies* in Matters of Religion ; as placing the Communion Table *Altar-wise*, and Bowing and Cringing too, towards it ; the refusing the Holy Sacrament to such as refuse to come up to the *Rails* : These carry with them some *Scandal*, and much Offence.

The *Third* is, *Military Charges* ; and therein first, *Coat and Conduct-Money* required as a *Loan*, or pressed as a *Due*, in each respect equally a Grievance. The *Second* is the enhancing of the Price of *Powder*, whereby the *Trained-Bands* are much discouraged in their Exercising : However little this may seem *prima facie*, upon due examination it will appear a great Grievance. The third is more particular to our County : It is this ; the last Summer was Twelve-month, 1000 of our *best Arms* were taken from the Owners, and sent unto *Scotland* : The compulsory Way was this ; if you will not send your Arms, you shall go your selves. Mr. Speaker, The *Trained-Band* is a *Militia* of great Strength and Honour, without Charges to the King, and deserves all due Encouragement.

The *Fourth* is the *Canons* ; I assign these to be a Grievance : First, in respect of the Matter, besides the *Et cetera* Oath. Secondly, in respect of the *Makers* ; they were chosen to serve in a Convocation ; that falling with the Parliament the Scene was altered : The same Men, without any new Election, shuffled into a Sacred *Synod*. Thirdly, In respect of the Consequence, which in this Age, when the second ill President becomes a *Law*, is full of Danger. The Clergy without confirmation of a Parliament, have assumed to themselves Power to make Laws, to grant relief by the Name of *Benevolence*, and to intermeddle with our Freehold by Suspensions and Deprivation ; This is a Grievance of a high Nature.

The next Grievance is the *Ship-Money* : This cries aloud, I may say, I hope without Offence ; this strikes the *First-born* of every Family, I mean our Inheritance : If the Laws give the King Power in any danger of the Kingdom, whereof he is Judge, to impose *what* and *when* he pleases, we owe all that is left to the Goodness of the King, not to the Law ; Mr. Speaker, this makes the Farmers faint, and the Plough to go heavy.

The next is the great decay of *Cloathing*, and fall of our Wools : These are the *Golden Mines* of England, which give a Foundation to that Trade which we drive with all the World : I know there are many Stars concur in this Constellation ; I will not trouble you with more than one Cause of it, which I dare affirm to be the greatest. It is the great *Customs* and Impositions laid upon our Cloath, and new Draperies. I speak not this with a Wish to lessen the King's *Revenues*, so it be done by a Parliament. I shall give my Voice to lay *more charge* upon the Superfluities (due regard being had to *Trade*) which we import from all other Nations : Sure I am, that those Impositions upon our Native Commodities are dangerous, give liberty to our Neighbours to Under-sell : And I take it for a Rule, that besides our Loss in Trade, which is five times as much as the King receiveth, what is imposed upon our Cloaths is taken from the Rent of our Lands. I have but one Grievance more to offer to you, but this one compriseth many ; it is a Nest of *Wasps*, or *Swarm of Vermin*, which have over-crept the Land, I mean the *Monopolers* and *Pulers* of the People : These, like the *Frogs of Egypt* have gotten the possession of our Dwellings, and we have scarce a Room free from them : They sup in our *Cup*, they dip in our *Dish*, they sit by our *Fire*, we find them in the *Dye-fat*, *Wash-bowl* and *Powdering-tub* ; they share with the *Butler* in his Box, they have *marked and sealed* us from Head to Foot. Mr. Speaker, they will not bate us a *Pin* ; we may not buy our own Cloaths without their Brokage : These are the *Leeches* that have suck'd the Commonwealth so hard that it is almost become *Hectical* : And Mr. Speaker, some of these are ashamed

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of their right Names ; they have a Vizard to hide the Brand made by that good Law in the last Parliament of King *James* ; they shelter themselves under the Name of a *Corporation*, they make *By-laws*, which serve their Turns to squeeze us, and fill their Purses ; unface these, and they will prove as bad Cards as any in the Pack ; these are not Petty-Chapmen, but Wholesale-Men. Mr. *Speaker*, I have *Ecchoed* to you the Cries of the Kingdom. I will tell you their Hopes : They look to Heaven for a Blessing upon this Parliament ; they hang upon His Majesty's exemplary Piety, and great Justice, which renders his Ears open to the just Complaints of his Subjects ; we have had lately a gracious Assurance of it : It is the wise Conduct of this, whereby the other great Affairs of the Kingdom, and this of our Grievances of no less Importance, may go Hand in Hand in Preparation and Resolution : Then by the Blessing of God we shall return home with an *Olivebranch* in our Mouths, and a full Confirmation of the Privileges which we received from our Ancestors, and owe to our Posterity, and which every Free-born *Englishman* hath received with the Air he breatheth in. These are our Hopes, these are our Prayers.

Mr. Harbottle Grimston's S P E E C H.

Mr. Harbottle
Grimston's
Speech,
Nov. 9.

Mr. *Speaker*,
THESE Petitions which have been read, they are all Remonstrances of the general and universal Grievances and Distempers that are now in the State and Government of the Church and Commonwealth ; and it is not they alone, but His Majesty's gracious Expressions the first Day of Parliament, that calls me up to speak at this present, contrary to my own Intentions.

Mr. *Speaker*, His Majesty, who is the Head of the Body Politick, and the Father of the Commonwealth, hath complained first, declaring his sensibleness of our Sufferings, and amongst other Things, hath put us in mind of our *Grievances*, and hath freely left it to our selves (for our redress and repair therein) to begin and end, as we shall think fit. And this draws me on with much Chearfulness and Zeal to contribute my poor Endeavours to so great a Work.

And Mr. *Speaker*, I conceive it will not be altogether impertinent for your Direction and Guidance in that great Place, which by the favour of His Majesty, and this House, you now possess, a little to recollect our selves in the remembrance of what was done the last Parliament, and where we ended.

It will likewise be very considerable what hath been done since that Parliament, and who are they that have been the Authors and Cauers of all Miseries and Distractions both before and since.

Mr. *Speaker*, In the last Parliament, as soon as the House was settled, a *Subsidiary Aid and Supply* was propounded, and many Arguments used to give that the precedency before all other Matters and Considerations whatsoever.

On the other Side, a Multitude of *Complaints* and *Grievances* of all Sorts, as well concerning our Eternal, as our Temporal Estates, were presented, and put in the other Balance: The Wisdom of that great Council weighing both indifferently, and looking not only upon the Dangers then threatened from *Scotland* (which are now upon us) but likewise taking into their Consideration the Constitution of the present Government here at home, concluded that they were in no capacity to give, unless their Grievances were first redressed and removed.

For, Mr. *Speaker*, It then was, and still is, most manifest and apparent, That by some *Judgments* lately obtained in Courts of Justice, and by some *new ways* of Government lately started up amongst us, the Law of Property is so much shaken, that no Man can say he is Master of any Thing : But all that we have we hold as Tenants by Courtesy, and at Will, and may be stripped of it at pleasure.

Yet, Mr. *Speaker*, desirous to give His Majesty all possible Satisfaction and Contentment, as well in the Manner of Supply for Expedition, as in the Substance and Matter of it ; we confined and limited our selves but to three Particulars only, and to such Matters as properly and naturally should have reference and relation to those three Heads.

1. The first was the *Privileges* of the Parliament.
2. The second, Matters of *Religion*.
3. The *Property* of our Goods and Estates.

And

And we began with the first, as the *Great Ark* in which the other two, Religion and Property, are included and preserved.

Mr. *Speaker*, The Violations complained of the last Parliament, touching our Privileges, were of two Sorts, either such as had been done *in* Parliament, or *out* of Parliament.

Concerning the Violations of the first Sort, it was resolved by Vote, That the *Speaker* refusing to put a *Question*, being thereunto required by the House; Or to adjourn the House upon any Command whatsoever, without the Consent and Approbation of the House it self; were *Breaches* and Violations that highly impeached our Privileges.

And having passed the Vote, I conceive it were fit we should now proceed a little further, and consider of a way how to be repaired against them that have been the Violators; for Execution does *Animare Legem*. The putting of an Old Law in Execution, you know, Mr. *Speaker*, does oftentimes do more good than the making of a new one.

As concerning the Violations of the other sort, done *out* of Parliament, in Courts of Justice, and at the *Council-board*, where neither our *Persons*, nor our *Proceedings*, ought to have been controuled, or meddled withal; and as concerning Matters of Religion, and the Property of our Goods and Estates, there were divers Things then likewise agreed upon by Vote, whereupon a Conference was desired to have been with the Lords: But what Interjections and Rubs we met withal by the way, and how the *Lords* countervoted the precedency of our Grievances, and how our *Speaker* was taken away from amongst us, and what an unhappy Conclusion we had at the last, the remembrance of it were a Subject too sad to begin another Parliament withal.

Therefore, Mr. *Speaker*, I shall pass from what was done the last Parliament, and come to what hath been done since that Parliament ended.

Mr. *Speaker*, there are some worthy Gentlemen now of this House that were Members of the last Parliament, that carried themselves in the Matters and Buſinesſes then and there agitated and debated, with great Wisdom, and unexempled moderation. But what had they at last Cast for all their Pains, in attending the publick Service of the Commonwealth? As soon as ever the Parliament was dissolved, their *Studies* and *Pockets* were searched, as if they had been *Felons* and *Traytors*, and They committed to several Goals, with an Intention, I am confident, of their utter Ruin and Destruction, had they not foreseen a Danger approaching: For, Mr. *Speaker*, if I be truly informed, an Information was drawn, or at least, Directions given for the drawing of it against them in the *Star-Chamber*.

Mr. *Speaker*, There hath been since the last Parliament a *Synod*, and in that Synod a *new Oath* hath been made, and framed, and enjoined to be taken.

Mr. *Speaker*, They might as well have made a *new Law*, and enjoined the Execution of that, as enjoined and urged the taking of the other, not being established by Act of Parliament; and in point of Mischiefe, the Safety of the Commonwealth, and the Freedom and Liberties of the Subject are more concerned in the doing of the one, than if they had done the other.

The next Exception I shall take to it, is to the Matter contained in the Oath it self.

Mr. *Speaker*, They would have us at the very first *dash* swear to a *damnable Heresy*, That Matters necessary to Salvation, are contained in the *Discipline* of our Church.

Whereas, Mr. *Speaker*, it hath ever been the Tenet of our Church, That all Things necessary to Salvation are comprehended in the *Doctrine* of our Church only; And that hath always been used as an Argument, until this very present, against *Antidisciplitarians*, to stop their Mouths withal: and therefore that for that Reason they might with the less Regret and Offence conform and submit themselves to the Discipline of our Church.

And, Mr. *Speaker*, for prevention, in case the Wisdom of the State in this Great Council should at any time think fit to alter any Thing in the Government of our Church, they would anticipate and forestall our Judgments, by making us swear before-hand, that we would never give our Consent to any Alteration.

Nay, Mr. *Speaker*, they go a little further; For they would have us swear, That the Government of the Church by *Archbishops*, *Bishops*, *Deans*, *Archdeacons*, &c. is *Jure divino*; their Words are, *As of right it ought to stand*; whereas, Mr. *Speaker*, we meet not with the Name of an *Archbishop*, or a *Dean*, or an *Archdeacon* in all the New Testament. And whatsoever may be said of the Function of *Bishops*, it is one Thing: But for their *Jurisdiction*, it is merely *Humanâ Institutione*, and they must thank the King for it.

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As for their Gross, Absurd, &c. wherein they would have them swear they know neither *what*, nor how many Fathom deep : There is neither Divinity nor Charity in it, and yet they would put that upon us.

Mr. *Speaker*, What they meant and intended by this new Oath, and their Book of *Canons*, and their Book of *Articles*, which they would have our Church-wardens sworn unto, to enquire of, and to present thereupon, I must confess I know not, unless they had a Purpose therein to blow up the *Protestant Religion*, and all the faithful Professors of it, and to advance their *Hierarchy* a Step higher, which, I suppose, we all fear is *high enough* already.

Mr. *Speaker*, They have likewise in this *Synod* granted a *Benevolence*, but the Nature of the Thing agrees not with the Name ; for in plain *English*, it is *six Subsidies* to be paid by the Clergy in Six Years : And the Penalty they have imposed upon the Refusers, for Non-payment, is to be *deprived* of their Functions, to be stripped of their Freehold, and to be *excommunicated* ; and this Act of their Synod is not published amongst their *Canons*, for which they might have some colourable seeming Authority : But it comes out, in a Book alone by it self, in the *Latin Tongue* ; supposing, as I conceive, that Lay-men are as ignorant as they would have them ; and thus they think they dance in a Net.

And as in this, so in most of their New *Canons*, if they be thoroughly considered, any judicious Man may easily discern and perceive, That they do therein like Watermen, that look one way and row another ; they pretend one Thing, but intend nothing less : And certainly, Mr. *Speaker*, in this they have flown a high Pitch ; for a Synod called together upon pretence of reconciling and settling Controversies and Matters in Religion, to take upon them the boldness thus out of Parliament to grant *Subsidies*, and to meddle with Mens Freeholds ; I dare say the like was *never heard of before* ; and they that durst do this will do *worse*, if the current of their *raging Tyranny* be not stopped in time.

Who are they, Mr. *Speaker* ; that have countenanced and cherished *Popery* and *Arminianism* to that Growth and Height it is now come to in this Kingdom ?

Who are they, Mr. *Speaker*, that have given Encouragement to those that have boldly preached those *Damnable Heresies* in Print ?

Who are they, Mr. *Speaker*, that have given Authority and License to them that have published those *Heresies* in Print ?

Who are they, Mr. *Speaker*, that have of late Days been advanced to any Dignity or Preferment in the Church, but such as have been notoriously suspicious in their *Disciplines*, corrupt in their *Doctrines*, and for the most part, *vicious in their Lives* ?

And who are they, Mr. *Speaker*, that have overthrown our two Great Charters, *Magna Charta*, and *Charta de Foresta* ?

What Imposition hath been laid down, or what *Monopoly* hath been damned in any Court of Justice since the last Parliament ?

Hath not *Ship money*, Coat and Conduct-money, and Money for other Military Charges, been collected and levied with as great Violence as ever they were ; in violation of our Liberties, confirmed to us in our *Petition of Right*, notwithstanding all our Supplications and Complaints the last Parliament ?

And who are they, Mr. *Speaker*, that have caused all those dangerous Convulsions, and all the desperate, unnatural, bloody Distempers, that are now in our Body Politick ?

Mr. *Speaker*, I will tell you a Passage I heard from a Judge in the *King's Bench* : There was a poor Man committed by the Lords, for refusing to submit to a Project ; and having attended a long time at the *King's Bench Bar* upon his *Habeas Corpus*, and at last pressing very earnestly to be bailed, the Judge said to the rest of his Brethren, Come *Brothers* (said he) let us bail him ; *For they begin to say in the Town, that the Judges have overthrown the Law, and the Bishops the Gospel.*

Mr. *Speaker*, I would not be misunderstood in what I have said : For there are some of both *Functions* and *Professions* that I highly honour and reverence in my Heart for their *Wisdoms* and *Integrities*. But, Mr. *Speaker*, I may say it, for I am sure we have all felt it, that there are *some* of both *Functions* and *Professions*, that have been the Authors and Caufers of all the *Miseries*, *Ruins* and *Calamities* that are now upon us.

Mr. *Speaker*, This is the Age ; this is the Age (Mr. *Speaker*) that hath produced and brought forth *Abitoshels*, *Hamans*, *Wolfses*, *Empsons* and *Dudlies*, *Trefilians* and *Belknapps*, *Vipers* and *Monsters* of all Sorts ; and I doubt not, but when His Majesty shall be truly informed of such Matters as we are able to charge them withal, we shall

have the *same Justice* against these, which heretofore hath been against their Predecessors, in whose wicked Steps they have trodden.

And therefore, Mr. *Speaker*, to put our selves in a way for our Redress and Relief, I conceive it were fit that a Committee might be named to take these Petitions, that have been now read, and all others of the like Nature, into their Considerations; to the end that the Parties grieved, may have just repair for their Grievances; and that out of them, Laws may be contrived and framed for the preventing of the like Mischiefs for the future.

Upon the before-recited Speech and Motion of the Lord *Digby*, a Committee of 24, was appointed, to draw out of that which had been presented to the House, some such kind of Declaration, as might be a faithful Representation to this House of the State of the Kingdom: And any other Committee that shall find any Thing fit for this Business, shall report it to the House; or recommend it to this Committee to be presented from them to this House.

The Names of the Committee.

Lord *Digby*,

Sir *Fr. Seymour*,

Sir *John Culpeper*,

Mr. *St. John*,

Sir *Tho. Widdrington*,

Sir *Robert Harley*,

Mr. *Selden*,

Sir *Miles Fleetwood*,

Mr. *Pym*,

Mr. *Harbottle Grimston*,

Mr. *Kirton*,

Sir *Walter Earl*.

Sir *John Clotworthy*,

Sir *John Strangeways*,

Mr. *Pierpoint*,

Mr. *Eagshaw*,

Mr. *Hampden*,

Mr. *Capell*,

Mr. *Crew*,

Mr. *Peard*,

Mr. *Henry Bellasis*,

Sir *Tho. Barrington*,

Sir *Benj. Rudyard*,

16 *Caroli.*

The Names of the Committee appointed to draw up the Remonstrance of the State of the Kingdom.

Also the House bearing in Memory Sir *John Culpeper's* Speech, against the Swarm of Projectors and Monopolists, fell into debate thereof; whereupon it was resolved upon the Question, That all Projectors and unlawful Monopolists whatsoever, or he that hath any Share, or lately had any Share in any Monopoly, or that doth receive any Benefit from any Monopoly or Project, or that hath procured any Warrant or Command for the restraint or molesting of any that have refused to conform themselves to any such Proclamations or Projects, are disabled by order of this House from sitting in it; and that Mr. *Speaker* issue out Writs for the Election of new Members in their room. And if any Man here knows any Monopolist, he shall name him to the House.

Mr. *Crew*, a Member of this House, fearing lest some prejudicate Opinion of him, might be left in the minds of some of the Members of this House, by some Words spoken by one of the Members, which he conceived might reflect upon his Deportment before the Lords of the Council, when he refused to deliver Petitions which came to his Hands, concerning Religion, in the Parliament which sate April 13. 1640. thought fit to make a Narrative of that Matter, and of his Commitment to the Tower for refusing to deliver the Papers. ---- And upon his Recital, and the other Member's Explanation of himself, it was clearly resolved by the House, That neither the one had done any Thing that might deserve the least reproach of Unfaithfulness from this House, nor the other spoken any Thing, that might give the least Colour of any such Thought of him.

A strict Order against Projectors and Monopolists.

Mr. *Crew's* Vindication.

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Clerks Book.

It was referred to the same Committee, that is to peruse the Journal and Records of this House, to consider what the Duty of the Clerk is in the safe keeping of the Records of this House, and what the Privilege of the Members of this House is, for the delivery or not delivery of any Papers delivered to this House by Complaints or otherwise.

Sir Edward Alford's Election.

Sir *Edward Alford* chosen for *Tewkesbury* in *Gloucestershire*, and for *Arundel* in *Sussex*, has leave to respite his Choice till *Thursday* come *Sevensnight*, because his Election is doubtful for *Tewkesbury*.

Mr. Stroud's Election.

Mr. *Stroud* returned for *Tamworth* in *Staffordshire*, and *Beralston* in *Cornwall*, chuses to serve for *Beralston*, and waves *Tamworth*.

Freeholders of Warwickshire's Petition.

The Humble Petition of the Freeholders of *Warwickshire* read, laying open the Misdemeanor of the High Sheriff of the said County, being averred to be true; and it was thereupon ordered, That *George Warner*, Esq; High Sheriff of the said County of *Warwick*, shall be sent for as a Delinquent, to Answer his Misdemeanors to this House, being complained of for denying the Poll when it was justly demanded.

Petition of the Freeholders of Leicestershire.

The Humble Petition of the Freeholders and Inhabitants of the County of *Leicester* was read, complaining of Mr. *Richard Holford*, for casting out Words in disgrace of Sir *Arthur Haslerig* Baronet, after he was declared to be chosen Knight of the Shire for the County of *Leicester*, declaring openly in the Field, That *they had chosen a Man for the Knight of the Shire, who had more Will than Wit; and that it was to the disparagement of the County*: With other Words of Reflection. Whereupon it was resolved upon the Question, That the said Mr. *Holford* should be sent for as a Delinquent.

Sir Nicholas Slaning.

Sir *Nicholas Slaning* chuses to serve for *Peryn* in *Cornwall*.

Novemb. 9. Mr. Herbert.

Ordered, That the General Order for those that are doubly returned, shall not bind Mr. *William Herbert*, now *Extra Regnum*.

Petition from the County of Northumberland.

The Petition of the Gentry and Freeholders of the County of *Northumberland*, with a Schedule of particular Grievances annexed, complaining of the great Burthen of the *Scots* Army, was read, and much Debate was thereupon; but nothing then resolved on.

Sir *William Widdrington*, Knight of the Shire for the County of *Northumberland*, speaking concerning the Matter of the Petition, distaste was taken at him by the House, for calling the *Scots*, Invading Rebels; whereupon Sir *William* standing up in his Place, to speak by way of Explanation, Capt. *Charles Price* moved the House, That they would give Losers leave to speak, with all the favourable Construction that one Member ought to give another; for his whole Estate was under the *Scots* Power: Whereupon Sir *William* declared, That he knew the *Scots* to be the King's Subjects, and would no more call them Rebels: And with this Explanation the House rested satisfied.

Sir

Sir Edward Deering's SPEECH.

16 Caroli.

Sir Edward
Deering's
Speech,
Nov. 10.
1640.

Mr. Speaker,

Yesterday the great Affairs of this House did borrow all the time allotted to the Grand Committee for Religion. I am sorry, that having but Half a Day in a whole Week, we have lost that.

Mr. Speaker, It hath pleased God to put into the Heart of His Majesty, (for the *King's Heart is in the Hand of the Lord*) once more to assemble us into a Senate, to consult upon the unhappy Distractions, the sad Dangers, and the much feared Ruins of this late flourishing Church and Kingdom. God be praised both for his *Goodness*, and for his *Severity*, whereby he hath impelled this Meeting; and humble Thanks unto His Majesty, whose Paternal Care of us his Subjects, is willing to relieve us.

The Sufferances that we have undergone are reducible to two Heads. The first concerning the *Church*; the second belonging to the *Commonwealth*. The first of these must have the First-fruits of this Parliament; as being the first in Weight and Worth, and more immediately referring to the Honour of God, and his Glory, every Dram whereof is worth the whole Weight of a Kingdom.

The Commonwealth (it is true) is full of apparent Dangers. The *Sword* is come home unto us, and the two Twin-Nations united together under one *Royal Head*, Brethren together in the Bowels and Bosom of the same *Island*, and, which is above all, imband together in the *same Religion* (I say the *same Religion*), by a Devilish Machination like to be fatally imbrow'd in each other's Blood, ready to dig each others Grave, *Quantillum absuit!*

For other Grievances also, the poor disheartned Subject sadly groans, not able to distinguish betwixt *Power* and *Law*. And with a weeping Heart (no Question) hath prayed for this Hour, in hope to be relieved; and to know hereafter, whether *any Thing he hath*, besides his Part and Portion of the common Air he breathes in, may be truly called *his own*.

These, Mr. Speaker, and many other, do deserve, and must shortly have our deep regard; but *suo gradu*, not in the first Place: There is a *Unum necessarium* above all our Worldly Sufferances and Dangers. *Religion*, the immediate Service due unto the Honour of Almighty God. And herein let us all be confident, that all our Consultations will prove unprosperous, if we put any Determination before that of Religion. For my part, let the *Sword* reach from the *North* to the *South*, a general Perdition of all our remaining Right and Safety threaten us in open view, it shall be so far from making me decline the first settling of *Religion*, that I shall ever argue, and rather conclude it thus. The more great, the more imminent our Perils of this World are, the stronger and quicker ought our care to be for the Glory of God, and the pure Law of our Souls.

If then, Mr. Speaker, it may pass with full Allowance, that all our Cares may give way unto the Treaty of Religion, I will reduce that also to be considered under two Heads: First, of *Ecclesiastick Persons*, Then of *Ecclesiastick Causes*. Let no Man start or be affrighted at the imagined Length of this Consultation; it will not, it cannot take up so much time as it is worth. This is God's and the King's; this is God's and the Kingdom's, nay this is God's and the two Kingdoms Cause.

And therefore, Mr. Speaker, my humble Motion is, That we may all of us seriously, speedily, and heartily enter upon this, the best, the greatest, the most important Cause we can treat of.

Now, Mr. Speaker, in pursuit of my own Motion, and to make a little entrance into this great Affair, I will present unto you the Petition of a *poor oppressed Minister* of this County of *Kent*: A Man *Orthodox* in his Doctrine, *Conformable* in his Life, *Laborious* in the Ministry, as any we have, or I do know.

He is now a Sufferer (as all good Men are) under the general Obloquy of a *Puritan* (as with other Things, was excellently delivered by that Silver Trumpet at the Bar.) The Pursuivant watches his Door, and divides him and his *Cure* asunder, to both their Grievs: For it is not with him, as perhaps with some that set the Pursuivant at Work, glad of an Excuse to be out of their Pulpit. It is his delight to preach.

About a Week since, I went over to *Lambeth* to move that great Bishop, (too great indeed) to take this Danger off from this Minister, and to recall the Pursuivant.

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And withal, I did undertake for Mr. *Wilson* (for so your Petitioner is called) that he should answer his Accusers in any of the King's Courts in *Westminster*.

The Bishop made me Answer (as near as I can remember) *in hæc verba*, I am sure that he will not be absent from his Cure a *Twelvemonth together*, and then (I doubt not) *but once in a Year I shall have him*.

This was all I could obtain; but, I hope, (by the help of this House) before this Year of Threats run round, his Grace will either have *more Grace*, or *no Grace* at all. For our manifold Grievs do fill a mighty and vast circumference; yet so, that from every part our Lines of Sorrow do lead unto *him*, and point at him the *Center*, from whence our Miseries in this Church, and many of them in the Commonwealth, doth flow.

Let the Petition be read, and let us enter upon the Work.

Sir John Wray's SPEECH.

Mr. *Speaker*,

Sir John Wray's
Speech, Nov.
12. 1640.

IT was well observed by my Lord-Keeper, That a *Multiplying glass* may deceive; but the right *English Glass* of the Commonwealth, never; in which I discern so comely and active a Motion, that out of all Question, some great Work is here to be done, something extraordinary is here to be decreed; or else God and the King, beyond all our Expectations, at the last Breach, would never so soon have cemented us again to meet in this Great Council.

Mr. *Speaker*, What a happy sight would it be to see the King and his People accord? A Threefold Cord is not easily broken, and I hope King *Charles* his Threefold Kingdoms shall never be so divided, as to break in Pieces.

Mr. *Speaker*, God knows the Divisions of *Great-Britain* have half untwisted our Long Union; and I fear that God is angry with our National lukewarm Temper: The Zeal of his House hath not kindled that Flame in our Hearts, which our seeming good Actions have blown abroad; much like the walking of a Ghost, or lifeless Body, which affrights many, but pleaseth no Beholder. *Omnia honesta opera voluntas Inchoat*; It is the *Heart* or *Will* which gives the beginning to every good Action: And I hope our constant Resolutions will be to settle Religion in its Splendor and Purity, by pulling *Dagon* from the Altar, and whipping the *Buyers* and *Sellers* out of the Temple; *Pars prima bonitatis est velle fieri bonum*. The first part of Goodness is to have the will of being good.

God knows all our Hearts, and takes notice of our inward Resolutions, and for what Ends we come hither; if to propagate and advance his Glory and Gospel, blessed shall this Parliament and Nation be, and then most happy we, *whose God is the Lord*, all Things shall work together for our good. For, Mr. *Speaker*, he that turns the Hearts of Kings like the Rivers of Waters, will make the King, and his Kingdoms, all of one Mind: Long live King *Charles* the Great, and his numerous Royal Issue, to defend the true Faith, which will protect and keep him and his, safe in his Father's Throne. Never King gave more full Content to his People, than His Majesty now hath done; and I hope, never Subjects came with better Hearts and Affections to their King and Country, than we do. Let it then appear, Mr. *Speaker*, by our outward Actions and Practice, that our inward Obedience, both of Heart and Hand is true, Loyal and currant Coin, not false nor counterfeit. For *Nemo veraciter dicit, Volo, qui non facit illud quod potest*. No Man truly says, I am in Will and Heart resolved, unless according to his Ability, he endeavours to perform his Resolution; which to speak the Hearts of us all in this Renowned Senate, I am confident is fully fixed upon the true Reformation of all Disorders and Innovations in Church or Religion, and upon the well uniting and close rejoining of the now dislocated *Great Britain*: For, let me tell you, Mr. *Speaker*, that God be thanked, it is but out of joint, and may be yet well set, by the skilful Chirurgions of this Honourable House, to whose loving and Christian Care, and to whose tender and upright Hands I leave it, only with this *Aviso*, Let Brotherly Love continue, and be constant, and of good Courage: For the Keeper of *Israel*, who neither slumbers nor sleeps, who delivered us from *Rome's November Powder-blast*, will, no doubt, still preserve his Anointed our Gracious King, and us his Loyal Subjects, from all Dangers of Fire, or Sword; For, *Si Deus nobiscum quis contra nos?*

A Message brought from the Lords by the two Lord Chief Justices, who said *the Lords desired a Conference, and if it may be convenient presently in the Painted Chamber, their Number is 20, it is concerning Breach of Privilege of their House by some Members of this House.* To which Answer was immediately returned by the same Messengers, *That this House will meet their Lordships presently with a proportionable Number in the Painted Chamber.* And the House appointed Mr. Selden, the Lord Digby, Sir Benjamin Rudyard, and Mr. St. John, to Report this Conference.

16 Caroli.

Message from the Lords.

The Lord Digby Reported from the Conference, *That according to the Command of this House, the Committee attended the Lords; the Occasion of this Conference was expressed by my Lord of Canterbury, which was, That they conceived there hath been a Breach of the Privilege of that House, occasioned by some Members of this House; the Matter of Fact was this, Two Lords of that House, viz. the Earl of Warwick, and my Lord Brook, since the Dissolution of the late Parliament, had their Persons seized, and their Pockets searched by a Clerk of the Council, Sir William Beecher, who being now called before the Lords, dischargeth himself upon two Warrants under the Hands of the two Secretaries, who were then Members of this House; the Warrants themselves are delivered unto me to be read here, and the Lords expressed it, was out of a desire of all good Correspondency between them and us, that they would not proceed in any Thing in that Business, without acquainting you with it; and that this was done without any Crime urged to be done by these Lords either before or since this Fact.*

A Report of the Conference by the Lord Digby, concerning Breach of Privilege.

This Report being made, and the Warrants read, it was Ordered, That this Business should be referred to further Consideration till to Morrow Morning. Memorand. Mr. Speaker had the Warrants delivered to him.

Ordered, That Alderman Abel shall be sent for, to appear at the Committee for Grievances this Afternoon by Two of the Clock, and to bring with him his Patent concerning the Projects upon Wines, and all Articles and Covenants, and other Papers concerning that Business.

Alderman Abel.

It was moved, That those Members that stand in the Passage within the House shall pay 12 d. to the Poor, and that the Serjeant take Care therein.

It was declared in the House, That at the naming a Committee, if any Man rise to speak about the same, the Clerk ought not to write down any more Names, whilst the Member standing up, is speaking.

Rules to be observed in the House.

Sir John Clotworthy acquainted the House, That Mrs. Anne Hussey complained to an Honourable Member of this House, named Secretary Windebank, concerning O Conner an Irish Priest, who spake desperate Words, that there would be Cutting of Throats; and that there were for that Purpose 7000 Men in Pay; but he slightly referred the Examination of it to his Clerk, Mr. Read.

Anne Hussey, and O Conner the Priest.

It was moved in the House, That if any Member of this House did know any Projector sitting there, that he should name him; whereupon one Member produced the Docket of Mr. William Sandys his Patent for raising 12 d. upon the Chaldron more than the old Tax that was set upon the Chaldron of Coals at Newcastle, &c.

Sitting Member, a Projector.

The Humble Petition of Peter Smart Prisoner in the King's Bench was read, complaining of Dr. Cofins his Innovations in Matters of Religion in the Church of Durham, and of his Prosecution of the said Mr. Smart in the High Commission Court at York, where he was sentenced and deprived of his Living and Prebendary of Durham; whereupon it was Order-

The Petition of Peter Smart, complaining of Doctor Cofins and the High Commission Court at York.

An. 1640.

ed, That *Peter Smart's* Petition be referred to the Committee, appointed to consider of Doctor *Leighton's* Petition : Who are to consider by whose Motions and Means Dr. *Cofins* was preferred to his late Dignity. And this Committee is impowered further, to consider whether any Man complained of here, being a Convocation-Man, may not by Authority of this House be sent for by the Serjeant at Arms.

It was likewise further Ordered, That Mr. *Smart*, in all his Particulars, shall have the Liberty as Doctor *Leighton* hath granted unto him, and that he may have Copies of the Records in the *Kings-Bench*, and the High Commission concerning his Business (*Gratis*) ; and Mr. *Selden* is by Order of this House added to the same Committee.

A Rule in Parliament.

It was this Day declared in the House, That when a Business was begun and in Debate, if any Man rise to speak to a new Business, any Member may not, but Mr. Speaker ought to interrupt him.

An Order concerning O Conner the Priest.

Ordered, That two Members be sent to the Judges of the *Kings-Bench*, to acquaint them, that the House of Commons have taken notice of the Accusation of O Conner an *Irishman*, a *Romish* Priest or Jesuit ; and that it is now in agitation in this House ; and therefore for divers Weighty Reasons, they do hold it fit that his Tryal be staid, till further Order be given from this House.

Ordered, That to Morrow Morning be appointed to take into Consideration some Course for Supply of the King's Army, and Relief of the Northern Parts.

Conference concerning Treaty between both Kingdoms.

Ordered, That Sir *Thomas Roe* go up to the Lords with this Message ; *That whereas this House received from their Lordships a Message concerning the Treaty with the Scots at Rippon, and at York, to acquaint their Lordships, That this House is ready to give them a Meeting when it stands with their Occasions ; and as for the Matter propounded at the Conference, concerning Breach of Privilege by some Members of this House, they will return Answer in convenient time.*

Sir *Thomas Roe* brought Answer, That the Lords will readily give a meeting to this House in the Painted Chamber this Afternoon, at Three of the Clock, concerning the Declaration of the Treaty at *Rippon* ; and the Proceedings of the Great Council at *York*, by a Committee of both Houses.

Reporters,

Sir *Thomas Roe*,
Mr. *White*,
Mr. *Selden*,

Mr. *Solicitor*,
Mr. *Grimston*.

O Conner.

Mr. *Perd* Reports, That Mr. *Glyn* and himself acquainted the Judges of the *Kings-Bench* with the Order of this House, concerning O Conner ; and their Answer is, *That the Order of this House shall be Observed.*

Ordered, That Mr. *Speaker* be intreated to be here this Afternoon, to sit by at the great Committee of *Irish* Affairs ; and if there be Cause, to resume the Chair.

Nonemb. 11.
Moved to
have the Earl
of *Strafford*
accused of
High Treason.

Upon the 11th of *November* a sudden Motion was made by Mr. *Pym*, declaring that he had something of Importance to acquaint the House with, and desired that the outward Room be kept from Strangers ; and the outward Doors upon the Stairs lock'd ; which being done, Mr. *Pym* informed the House, That there were several Persons, who have given Information,

formation, which does give a good ground for the Accusing of *Thomas Earl of Strafford* of High Treason, [he being then newly arrived from the Army :] Whereupon the House named Seven Persons presently to withdraw, viz. *Mr. Pym*, *Mr. Strode*, *Mr. St. John*, the Lord *Digby*, Sir *John Clotworthy*, Sir *Walter Earl*, and *Mr. Hampden*, to consider of the Information against the Earl of *Strafford*; who immediately retired into the Committee-Chamber, to prepare Matter for a Conference to be had with the Lords, and an Accusation against the said Earl.

Whilst the *House of Commons* was in Debate about this Business of the Earl of *Strafford's*, there came a Message from the Lords, by the Lord Chief Justice *Bramston*, and Judge *Forster*, concerning a Treaty with the Scots, viz. That the King hath commanded the Lords, that were the Commissioners to Treat with the Scots Commissioners at *Rippon* and *York*, to give an Account to both Houses of Parliament of that which passed there; to which purpose the Lords desire there might be a Meeting by a Committee of both Houses this Afternoon, if the Occasions of this House will give Leave. To which an Answer was returned by the same Messengers to this Purpose, That the House hath taken into Consideration the Message from the Lords, but that at this time the House is in agitation of very weighty and important Business, and therefore they doubt they shall not be ready to give them a Meeting this Afternoon, as they desire; but as soon as they can, they will send an Answer by Messengers of their own.

Some few Members of the House of Commons were jealous that this Message was procured to divert the Debate about the Earl of *Strafford*; but it was not so, neither did it interrupt the same, longer than the delivery of the Message.

When the Messengers were gone, the Select Committee of Seven made their Report, That they did find Just Cause to Accuse the Earl of *Strafford* of High Treason: And further, That the House would desire the Lords, that he may be sequestred from Parliament, and Committed; and that within some convenient time this House will resort to their Lordships with particular Accusations and Articles against him. And in the same Message, That the Lords be desired, that some fit Course may be taken, that there might be a free Passage between Ireland and England, notwithstanding any restraint lately made to the contrary.

Mr. Pym went up with the Message accordingly, and at his return reports to the House of Commons, That he had delivered the same.

The House of Peers after the said Accusation, sent a Message to the House of Commons, by the two Chief Justices, That the Lords have taken into Serious Consideration the Accusation sent from this House against the Earl of *Strafford*, that they have sequestred him from the House, and committed him into safe Custody, to the Gentleman Usher of their House, and that they would move his Majesty that the Passage from Ireland into England may be open, notwithstanding any restraint to the contrary; which his Majesty upon Application by some of the Lords, was pleased to grant.

Now as to the further Proceedings of this House against the said Earl of *Strafford*, in order to his coming to Tryal, which began the 22d of March, 1640, the Author, for Methods sake, inserts many Particulars; but forbears to mention in this Book, any of the Proceedings during the time of his Tryal: Forasmuch as he hath faithfully published that Tryal at large, to which he refers the Reader, being in a Volume in Folio by it self; wherein the Reader may receive a full Account of that most remarkable Tryal, and the Death of the said Earl, and Circumstances attending the same.

16 Caroli.

Message from the Lords interposes in the Debate.

But the Commons proceed in Accusation.

Mr. Pym carried up the Accusation.

The Lords sequestred the Earl of *Strafford* from the House.

A Digression by the Author as to the Earl of *Strafford's* Tryal.

An. 1640.

Sir George
Ratcliff.A Report
from the
Committee
concerning
Sir G. Ratcliff.Priests Released
by Secretary
Windebanke.Keeper of
Newgate Examined.

Windebanke.

Grand Committee for
Irish Affairs.

(Rule.)

After the Accusation of the said Earl, the House fell into Debate concerning Sir George Ratcliff; some Members of the House giving Information against him, That there was cause to accuse him of High Treason, and that he ought to be sent for hither to answer it before the Parliament of England, tho' he be a Member of the Parliament now Sitting in Ireland; but some Scruples being made about sending for him, it was referred to a Committee of Seven, viz. Mr. Selden, Mr. St. John, Mr. Palmer, Mr. Solicitor, Mr. Maynard, Mr. Grimston, and Mr. Chadwell, to consider of that Matter, and to make a Report to the House; who afterward reported, *That the Committee were of Opinion, that it is better to examine this Matter according to the Rules and Foundation of this House, than to rest upon scattered Instances.* And therefore,

The Committee in their Report distinguished between the Case of Sir George Ratcliff, and Sir Robert King thus; *We find an Information given of High Treason against Sir George Ratcliff, which if it be true, Then there is no doubt but in case of High Treason, (which Privilege of Parliament neither here nor there doth reach unto,) Sir George Ratcliff may be sent for, though a Member of Parliament there.*

For the other, Sir Robert King, the Case did differ; for to send for him to testify in any Ordinary Case, were of Dangerous Consequence; or to send for him to Testify in the King's Bench, in Case of Treason where the Court doth ordinarily Sit; but this Case differs between sending for a Member of Parliament to give Evidence in any ordinary Thing, or in any ordinary Court; for the Parliament is a Court that doth not ordinarily Sit, a Court of the Great Affairs of the Kingdom; Therefore to be sent for hither to this High Court, and to testify in a Case of the Highest Nature, in case of Treason, informed of against Sir George Ratcliff, we did conceive it to be no Breach of Privilege of Parliament, that he should be sent for; and if the House require of us our Opinion concerning the manner of sending for him, we shall tell them what we conceive of it.

Aquila Weeks, Keeper of the Gate-house, was called into the House, who produced Three Warrants, signed under the Hand of Mr. Secretary Windebanke, for the Discharge and Release of *Fisher* a Jesuit Committed by the Lords of the Council, and of *Goodman* a Priest committed by Mr. Secretary Windebanke, and of *Thomas Reynolds*, a Priest Convicted; all being committed to his Custody.

Richard Johnson, Keeper of Newgate, being called in, declareth how he had been but two Years Keeper of Newgate; that few of the Books of Commitments or Releasements of former Prisoners came to his Hands. That *Mosse*, and *Goodman* the Priest or Jesuit, were committed to Newgate and released by Warrant from Mr. Secretary Windebanke; whereupon Mr. Secretary was intreated to withdraw; who accordingly did, into the Committee Chamber.

The Grand Committee of the whole House sate this Afternoon upon the Irish Affairs, and the Speaker sate by, according to an Order made in the Forenoon. And while the Committee was Sitting, there came Word that the Lords were come, and expected the Committee of this House at a Conference. Mr. Speaker assumed the Chair, and it was moved, That the Committees that sate in other Places, might be sent for to attend the Conference; and that those Gentlemen might be sent for by the Mace that were gone before to the Conference.

That whosoever shall go forth of the House in a confused Manner, before Mr. Speaker, shall forfeit 10s. and that the Reporters ought to go first, to take their Places at Conferences.

The House rose, and the Committee went up to meet the Committee of the Lords at the Conference, and Mr. Speaker went home.

16 Carolⁱ.
Conferences.

November 13. 1640.

The Petitions of the City of *Norwich*, County of *Bedford*, and the County of *Warwick*, referred to the Committee of 24 appointed to draw up the Representation of the State of the Kingdom, complaining of Grievances in Church and State.

Petitions of
Norwich, *Bed-*
ford, &c.

The humble Petition of *Richard Darley*, on the behalf of *Henry Darley* Esq; read.

Richard Dar-
ley's Petition.

Ordered, That *Henry Darley, Esq; now a Prisoner in the Castle at York, be sent for in Safe Custody, to come hither, to prosecute a Petition Exhibited here on his Behalf by his Brother; and to require the Keeper of the Castle at York, or his Deputy, to Certify hither the Cause of his Commitment, together with the Warrant. It is likewise Ordered, That the Petition be referred to the Committee for Courts of Justice, to be first considered of by them; and the Denial of the two Habeas Corpus moved for him, by the Judges of the King's-Bench, is specially referred to them likewise.*

Order for
Henry Darley
Prisoner to be
sent for.

Mr. Baker, a Close Prisoner in the Fleet many Years, Ordered to be sent for hither in safe Custody by Warrant of this House, to attend the Committee for Courts of Justice, to prosecute his Petition there, and the Committee to present the Matter to the House.

Mr. Baker
Close Priso-
ner, sent for.

Ordered, That His Majesty be moved, That the Committee for preparing the Charge against the Lord Lieutenant, may either have the Letters or Copies of them, desired by the Lord Mountnorris, viz. one dated the 31. of July 1635; another the 25. of January 1635; another in April 1636, directed to the Lord Deputy of Ireland; Mr. Treasurer offered himself to move the King therein.

Lord Mount
Norris his Pa-
pers.

Ordered, That the Committee for preparing the Charge against the Lord Lieutenant, being now *sine die*, meet this Afternoon at Four of the Clock in the Treasury Chamber. And the same Committee has Power to receive all such Petitions and Papers as may conduce to the Business; and have likewise Power to send for Records, Papers, Parties, and Witnesses, or any other Thing that they shall think may conduce to the perfecting of that Charge.

Further Pow-
er to the
Committee
concerning
the Earl of
Strafford.

The House proceeded to Consider of the Relief of the Army.

Ordered, That the House be resolved into a Committee.

Mr. Solicitor called to the Chair.

Mr. Speaker reassumed the Chair again.

Mr. Solicitor reported from the Committee, That the Opinion of the Committee was, That the Relief we have now in Consideration, should be raised by Act of Parliament for the manner of raising it.

Army.
Grand Com-
mittee to raise
Moneys.

That this Relief we have now in Consideration, shall be a certain Sum.

That this Certain Sum that we have resolved to take into Consideration, shall be One hundred thousand Pounds.

Relief of the
Northern
Counties by
Act of Par-
liament.
A Certain
Sum.
Resolved to
raise for the
Army 100000
Pounds.

All these Particulars were by Mr. Speaker put to the Question, and Resolved upon by the House without one dissenting Vote, and Ordered accordingly.

Ordered, That the King's Remembrancer, the Auditor of His Majesty's Receipt, and any others his Majesty's Officers respectively, whom it may concern, shall make a Certificate of the last Subsidy, as it was Assessed upon the several Counties, whereby this House may be Informed of the Rates, as they were then paid in, and to certify the Returns of every County.

Certificate of
the last Sub-
sidy.

Mr.

An. 1640.

Addition to
the Commit-
tee for Recu-
sants.

Mr. George Fane,
Sir John Wray,
Mr. Cage,

Mr. Thomas Cooke,
Mr. Purefoy,
Mr. Rolles,

To be added to the Committee for Enquiry after Recusants, &c. and that this Committee have Power to Examine touching the Discharges of Priests, Jesuits, and other Recusants, that have been formerly committed.

Order for As-
sistance of the
Messengers to
Ireland.

Ordered, That a Warrant shall issue under Mr. Speaker's Hand to all Mayors, Justices of the Peace, Bayliffs, Sheriffs, Constables, and other His Majesty's Officers of this Kingdom, and the Kingdom of Ireland, requiring them to be Assistant to the Bearer or Bearers of the Warrant of this House, for the bringing in Safe Custody Sir George Ratcliff to this House, for the better and more Effectual Execution of his or their said Warrants.

Order to the
Post-Masters
to that Pur-
pose.

And that the like Warrant shall Issue forth, directed to the Post-Masters of this Kingdom, requiring them to furnish him with so many Post-Horses and a Guide, as shall be requisite for the effectual Execution of his said Warrant.

It is likewise Ordered, That the like Warrant shall Issue to all Mayors, Constables, Port-Reeves, or any others His Majesty's Officers whom it may concern, in any of His Majesty's Ports of England or Ireland, and to the Masters and Owners of Ships, in any of His Majesty's said Ports, requiring them to give them the best furtherance they can for their Speedy and Safe Passage into Ireland, and back again.

Sir Thomas Roe Reports what passed at the Conference with the Lords concerning the Treaty with the Scots : viz.

Relation of
the Proceed-
ings in the
Treaty with
the Scots.

' That the Lord-Keeper spake first, and said, that His Majesty had com-
' manded the Lords Commissioners of the Great Council at York, &c. to
' give an Account of their Treaties at York and Rippon to both Houses,
' and of His Majesty's Gracious Intentions, in a Business so much im-
' porting the Honour and Safety of the Kingdom, that there might be a
' Faithful Relation with all Candor and Clearness ; which was the Sum of
' His Majesty's Instructions.

' Then his Lordship declared, *That the Lords, for the saving of time,*
' *had thought fit this Account should be given to a Committee of both*
' *Houses, which hath occasioned the meeting at this Conference.* And Election
' being made of the Earl of Bristol, by the Lords Commissioners, to speak,
' he began his Narration directed to the Lords, and to the Knights, Citi-
' zens and Burgeses of the House of Commons, as follows :

*That the Lords Commissioners intended not to look farther back into the
Business, than the Acts of their own Employments.*

*They did intend to give no Account of the Pacification interrupted, nor
War renewed ; no Account how the Armies in England, Ireland, and by
Sea, were designed, nor of any occasion : They purposed not to lay fault
upon any Man, nor to enquire into the Cause why the Scots (as they pre-
tended from Necessity) were drawn to enter this Kingdom ; Nor why the
King's Army, when Service was to be done, was out of the way ; But that
those through whose Hands these have passed, might hereafter give their
own Account.*

*His Lordship told us, That His Majesty was pleased to call His Great
Council at York, to whom he made two Propositions :*

The first was, How his Army, which seemed to be in distress for want of Pay, should be relieved and maintained? 16 Caroli.

To this, to shew their Duties to the King, the Lords resolved to engage themselves, and to that Purpose, to send chosen Deputies to London, to Negotiate a Supply.

The Second Proposition was, That after the Scots had passed Northumberland, taken Newcastle, and possessed the Bishoprick of Duresm, they sent a Petition to His Majesty, which contained in general Terms a Desire to have their Grievances taken into Consideration.

Which Petition and Answer thereunto, was read unto us, and presented for our clearer understanding.

Upon receipt of His Majesty's Answer, the Scottish Lords sent His Majesty a second Petition, directed in a Letter to the Earl of Lanrick, in which they made their particular Demands, and declared, That according to His Majesty's Command, they would advance no further. And this Petition was also read, and delivered unto us, of which his Lordship desired that great Assembly to take especial notice, for that much of the future Discourse would depend upon it.

The Business thus stated at the Great Council; the Second Proposition was, What Answer should be made to that Petitionary Letter, and in what manner it should be carried? In which His Majesty required their Counsel.

Whereupon the Lords replied, That it was impossible for them to give any well-grounded Advice, unless the true State of his Affairs, and the Condition of his Army were laid before them.

Whereupon His Majesty commanded the Earl of Traquaire, to make the Narration of the Scottish Business, and their late Acts of Parliament; and the Lord Lieutenant-General to give an Account in what Condition the Army stood; and what was answered by my Lord Lieutenant, was read in his own Words.

Besides this Declaration, the Earl of Bristol delivered upon a further Enquiry how the State of the Business then stood, That the Scots Army had passed Northumberland without Resistance; that they had disputed the Passage of the River Tyne at Newburn, where our Horse retired in disorder; that His Majesty's Foot Army, consisting of 12000 or 14000 Men in Newcastle, likewise retired to York, whereby the Town of Newcastle, a Place of great Consideration, was without one Stroke stricken, fallen into the Scots Hands, and the Bishoprick of Duresm brought under Contribution.

That in this State, the Gentry of the Bishoprick repaired to Mr. Treasurer, who carried them to His Majesty, from whom they were referred to my Lord Lieutenant of the Army, who gave them this Answer positively, That they could look for no Help nor Protection from the King, and therefore they might use the best means they could to preserve their Lives and Estates: Whereby those distressed Provinces, the Ancient Bulwarks of this Kingdom, full of Brave and Valiant Men, being now fallen into the Power of an Army, which of necessity must live, were forced to consent to a Contribution by Treaty, and a very heavy one, though such without which the Scottish Army could not subsist.

The Agreement was 350l. a Day for the Bishoprick of Durham, 300l. a Day for Northumberland, 200l. a Day for the Town of Newcastle, in all, 850l. a Day; which should it continue, would amount to 300,000l. for one Year.

These Gentlemen much lamented their Estates, that the Scots should be irritated (as they call it) by being proclaimed Traytors.

His Lordship made a little Digression, and asked leave to speak Truth, in such Language, as the Scots had presented their State unto them, That ha-
ving

An. 1640.

ving Proclamation made against them, being threatned with a great Army of Thirty or Forty Thousand Men ; Another of Ten Thousand out of Ireland, and by Proclamation declared Traytors and Rebels ; and having heard of another Army providing, of Eight or Ten Thousand by Shipping to hinder their Trade, at least their Commerce with England, that they were drawn together by necessity, as they pretended, of Defence ; further alledging, that it was a common Discourse, of which they had seen Papers, that they should be reduced into a Province, which would be but one Summer's Work ; therefore they having drawn their Power together, as any Nation would do, and being assembled, and their Country being poor, taking Advantage of the time ; And that all those Armies that should oppose them were out of the Way, and those Unfortunate Provinces left like a List of Cloth, they were forced to enter into England : That thus they had lamented, and thus the State stood before the Lords, when it was examined in the Great Council.

Thus their Lordships found, that the Scots had increased their Confines near Fourscore Miles in England, and had passed the Rivers of Tweed and Tyne ; and that the River of Tees, the Boundary of Yorkshire, (Durham being possessed) was not to be defended, being Fordable in many Places by Forty Horse a Front ; that if the Scots should pass that River, there was no possibility to hinder them from coming to York, or to any Part of England, without hazarding a Battel, which my Lord Lieutenant had declared unto them he would not advise ; for though the King's Army consisted of 17000, or 18000 good Bodies of Men, yet being untrained, and unused to Arms, he would be loth to hazard such an Adventure upon them ; but if they should advance to York he might make good that City. This being the Case, as it was presented, my Lords advised His Majesty, That they conceived the fittest Way was, that the Scots, and their Grievances, might be heard.

And whereas their Complaint had been, That their Petitions to His Majesty had been conveyed by Conduits of an evil Relish, that there might be chosen such Lords Commissioners, of whose Integrity they could not doubt.

Whereupon His Majesty was pleased to refer the Choice of the Commissioners to the Great Council, who made the Election with the Assent of His Majesty, to whom Power was given, under the Great Seal of England, to bear whatsoever the Scots would lay before them, and to enter into Treaty with them, and to give Conduits, and to do all Things preparatory to a Treaty.

The first Place of meeting was appointed at North-Allerton, but some Inconveniencies being found, it was by consent transferred to Rippon.

For the Inducement of this Meeting, a Letter of the Lord Lanricks to the Scots Commissioners was read, and given to us.

The Treaty thus settled, the Lords to be employed receiving Instructions from His Majesty by consent of the Great Council, it was agreed they should treat upon the whole Business propounded by the Scots, and left to their discretion to treat of a Cessation of Arms, as the ordinary Forerunner of all Treaties of Peace.

When their Lordships came to Rippon, the Cessation of Arms was the first proposed ; but being entered upon it, the Scots Commissioners did let their Lordships know, that there was something necessary first to be done ; That the Countries where they lay were become poor ; That they could not think, as their Affairs stood, of returning home ; That His Majesty had restrained them from passing further ; so that a Treaty in this Exigent was worse than a War, unless means might be thought upon how they might subsist ; And hereupon they did propound, That if it were expected that

that they made no further Progress, therein obeying His Majesty's Command (which nothing but invincible necessity should force them to transgress, by plundering the Countries), they must have maintenance for their Army.

This Motion seemed very strange to their Lordships, that it should be demanded to provide a maintenance for the Scots, when the King's own Army was in great Distress; yet the necessity seem'd to be such on both Sides, that the Lords appointed some of their Company to repair to the King at York, to acquaint His Majesty with the Scots Demands.

Upon Debate of the Business, though it were of hard digestion to His Majesty, the Lords, and the whole Kingdom, that they whose Ancestors had been called to advise upon the Ransom of Kings, should now come to consult how to maintain an Army got into our own Bowels; Therefore their Lordships would not proceed without the knowledge of His Majesty, and the Great Council: Where it was found necessary, not for maintaining the Scots Armies (for they might easily supply their own Wants by plundering, in which Course they might get a Million, whereas Five Thousand Pounds would serve but for two Months) but to preserve the Countries from utter Ruin, and the Scots from further advancing, to give to their Lordships Commission to Treat for a Competency of Maintenance during the Treaty.

The first Demand was Forty Thousand Pound; which by Treaty was reduced thus, That instead of giving them any Allowance, they should be left to their Proportion of that Contribution already agreed upon by the Counties, as less dishonourable than to assign them Maintenance.

This Point being thus settled, their Lordships proceeded to the Treaty of Cessation, and both were agreed and concluded; his Lordship proposing the Articles themselves to be read for more satisfaction.

His Lordship proceeded, That these Preparatives being settled at Rippon, 20 Miles from York, and the time far spent, and the Parliament approaching, their Lordships resolved to be humble Suitors to His Majesty; That the General Treaty might be transferred to London, by consent of both Parties thereunto agreeing.

Here his Lordship proposed the reading of a Letter, whereby this Translation of the Treaty was moved, which was done, and delivered unto us.

To this Letter His Majesty made a Gracious Answer, and consented to transfer the Treaty to London, where some of the Scots Commissioners are already, and the rest within a Day or two expected.

Their Lordships having proceeded in the Treaty as far as they could go, repaired to York, and both Articles concluded were read in His Majesty's Presence, and that they declared, That they had in all Things punctually observed their Instructions. Whereupon His Majesty required them to give their Counsel, Whether he should ratify and sign these Articles, or not.

To which the Lords made Answer, That they had served His Majesty in Quality of Commissioners-Ambassadors, and had duly observed their Instructions; but now he being pleased to ask their Advice, they would be glad to serve him according to their Consciences, and therefore besought His Majesty for leave to retire themselves, and consult of the Business. To which His Majesty was graciously pleased to consent.

Upon Resolution, considering the great streight into which His Majesty's Affairs were reduced, they concluded to advise His Majesty to sign, and craved leave to present unto His Majesty a Declaration of their Reasons; which were accepted, and read in the Great Council.

And their Lordships held it necessary to be read again in that Great Assembly, as the rest of their Counsel.

An. 1640.

These Reasons being read, His Majesty was pleased to ratify the Articles in exprefs Words also read unto us.

His Lordship concluded this Narrative as the full Account of the Treaty, and Proceeding in it, to His Majesty's Ratification, and craved leave in the next Place to present the hard and woful Condition in which His Majesty's Affairs then stood in the North.

First, That by Consent a Contribution of 150l. a Day was agreed.

That there was already some doubt that the Countries were not able to bear it.

On the other side it was objected by the Scots, That it was impossible, if the Payment should fail, to keep their Promise, or to obey His Majesty ; but that they should be necessitated against their Will to plunder the Country.

These Doubts considered, it was declared by my Lord Lieutenant, That the Counties of Cumberland and Westmorland being at pleasure under the Scots Power, it was reasonable that in Subsidium they should contribute some help to their Neighbours ; but he declared, since their Lordships coming away, the Commissioners left at Duresm, had written, That it was impossible for them to proceed in the Agreement, which if it were broken on their Part, the Scots would alledge an Impossibility to consent to starve ; so that if some Means were not found, by which those Counties engaged might be relieved, he was afraid all their Labour and Treaty would come to nothing : And this Letter was read and presented unto us.

His Lordship represented, That the Commissioners, and all the Lords, had engaged themselves faithfully, and truly, to declare to the Parliament the distress of the Counties.

He declared, That it was far from their Lordships Purpose to move any Supply of Money from the House of Commons, but to lay the Cause before them, and to leave it to their Wisdom ; averring certainly, That if some Course were not taken, the whole Kingdom would be put into Disorder ; Armies would not starve ; retiring was not yet (as he thought) in the Thoughts of the Scots ; therefore they must plunder and destroy, or advance into Yorkshire, and so farther into England, to seek Subsistence ; the prevention whereof did highly import the King and Kingdom.

His Lordship proposed another Thing no less worthy of Consideration to the whole Kingdom : viz. That if the Scots Army were provided of a Competency for the Ease of these Counties, it were very strange there should not an equal Care be had for maintaining the King's Army that stands before them ; he said the Scots Army was strong and powerful, and little other Resistance against it, but the Impediments of an Army marching in Winter ; but, whether it were fit for a Kingdom to be trusted to Accidents of Frosts, with a People bred in Swedeland, and Cold Countries, he left to their Discretion.

His Lordship confessed that the Scots had made great Protestations, and with great Execrations averred, That they had no Intent to advance forward, but return when they shall have received Satisfaction.

Yet their Lordships did not conceive that the Kingdom should rely upon Promises or Protestations.

Many Accidents might happen, when a Nation, come from a far Country, to a better, should be told the Business they come about, was just, and their Quarrel good ; who finding themselves in a fat Pasture, may pick Quarrels with their Leaders, if they should go about to prevent them of the Reward of their Vertue and Valour.

Upon these Grounds his Lordship presented to the General Consideration, the Supply of his Majesty's Army, that it be not disbanded ; which if it should
come

come to pass, Yorkshire, and other Parts of England, were left to the Scots discretion. 16 Caroli.

His Lordship said, He durst not say the Scots would not come forward, but that it was in their Power, if they would; and therefore he recommended this Representation to the whole Body of the Kingdom, to prevent future dangers.

He concluded with a Prayer to Almighty God to direct the Hearts of all the Kingdom, and to give a Blessing only able to remove the great Distractions, so many, and so grievous, as under which, since the Conquest, this Kingdom never laboured.

There was presented at this Conference two Papers, the one being Instructions from Newcastle to Sir Thomas Hope, and others, concerning the Contribution; The other an Account of Arrears from the 11th of September to the 20th of November, which were all read unto us; nor do I know how, or to what use to employ them.

Upon this Report, It was resolved upon the Question, That this House doth approve of the Persons of those Lords that were Commissioners in the late Treaty at Rippon, to be Commissioners now to treat with the Scots Commissioners; with this Declaration, That no Conclusion of theirs shall bind the Commons, without their Consent in Parliament.

Approbation
of Lords
Commissioners appointed to Treat
here with the
Scots.

The House being in want of Moneys to pay the King's Army, and relieve the Northern Counties, which would require some Time before Moneys could be raised upon the Subsidies, Mr. Harrison, a Young Gentleman, and Member of the House, Son to Sir John Harrison of the Custom House, voluntarily offered the House to advance 50000*l.* upon the Security of some of those Members, who had voluntarily offered their Securities for the procuring 100000*l.* Whereupon it was Ordered, That a Note of their Names should be delivered to him, that he might out of the whole 100 Names make choice of 50 such, whose Security he would rest upon.

A Petition from the Parliament in Ireland was delivered by Mr. Belletw, and Mr. Castle, who were called in, and avowed the same in the House.

November 14. being Saturday, the House did not Sit.

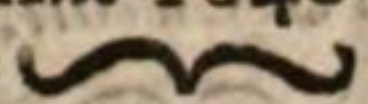
Novemb. 14.
Novemb. 16.

November 16. being Monday, the Bishop of Lincoln was sent for to take his Place in the House of Lords, His Majesty having by a gracious Message signified that it should be so, without an Enquiry into, or Repetition of, what had formerly passed. For there being much Business to be done, His Majesty was willing there should be a full House.

Mr. Snelling of the County of Buckingham, who had been often brought before the Court of King's Bench, upon his Habeas Corpus, and still remanded to Prison, did this Day petition the Parliament for Relief.

This Day there was a Paper presented to the House by a Member, concerning Fortifications, and Ordnance mounted in the Tower, which had been so placed by the Lord Cottington, (one of His Majesty's Privy Council, and who had the Command of the Tower) when the King and his Army was in the North, and the Spanish Armada appeared in the Downs, to the great fear and dissatisfaction of the City; but whilst the Matter was in debate, it was declared by a Privy-Councillor, That the Lord Cottington had delivered up his Patent, and that the King had cancelled it, and that this Day the Soldiers should be dismissed; hereupon that Debate ceased.

An. 1640.



A Docquet of a Patent was presented to the House, concerning the *Hosmen of Newcastle*, wherein Sir *John Marley* was a principal Man in managing that Affair, and of his promoting a new Imposition upon Coals.

It was this Day Resolved, That the Counties of *Northumberland*, *Cumberland*, and *Durham*, should be exempt from their Proportion of the Hundred Thousand Pound Tax.

Tuesday, November 17. A Fast.

Novemb. 17.

Novemb. 18.

Wednesday, November 18. It was Ordered, That no Member do Visit the Earl of *Strafford* without License.

The Commons this Day, by a Message to the Lords, desired the Lords to appoint a Committee of very few, who in the presence of some of this House might take such Depositions, and Examine such Witnesses as they should Name, upon such Interrogatories as shall be presented to them from this House concerning the Earl of *Strafford*, and that the Examination be made Private.

Then the House fell into debate concerning those Lords who presented to the King a *Petition at York* for the Calling of a Parliament; the *Petition* being read, the House passed a Vote to this Effect, *That those Lords had done nothing but what was Legal, Just and Expedient for the good of the King and Kingdom, and is now approved by the whole Body of the Commons:* and ordered the *Petition* to be entred *verbatim* in the Journal.

It was this Day Resolved, That *Richard Kilvert*, the great Manager of the *Wine Project*, should be sent for; and a Particular Bill was brought into the House to make him a remarkable Example to all Projectors and Monopolists.

Novemb. 18.

The Lord *Andover*, a Member of the House of Commons, was this Day, by Writ, called to the House of Lords; and a Writ ordered for a new Election of a Member in his stead.

Novemb. 19.

Upon Debate in the House concerning Matter of Attainders, a Committee was appointed to make search among the Records of former Attainders, the Commons having then in their Prospect, Proceeding against the Earl of *Strafford*.

There was read in the House a *Petition of Traders in Salt*, of whom there was still a demand made by the Projectors of the Salt Patent, for so much *per weight* of Salt, and particularly they complained of *Thomas Horth of Yarmouth*.

Novemb. 20.

Horwood's
Examination
concerning
Recusants.

Robert Horwood was called in, and being demanded many Questions by Mr. *Speaker*, in Answer unto them said, That having the King's Writ to seize the Lands and Goods of Recusants convict, being then Under Sheriff for the County of *Southampton*, about two Years since he received a Letter under Mr. Secretary *Windebank's* Hand, to countermand the Power of that Writ. That he did forbear accordingly, but was afterwards complained of, and Committed to the Custody of *Brooks* a Messenger. It being alledged he had done something against Recusants, notwithstanding Mr. Secretary's Letter; and that while he was under Restraint, he entred into a Bond of 100 l. to *Henry Lord* a Recusant; he said he was caused to enter into that Bond by Mr. *Read*, Mr. Secretary *Windebank's* Secretary. And said further, That one *Leonard Dare* offered him 30 l. Composition, not to stir in this Business; and produced a Note under *Dare's* Hand.

This Day it was Ordered, That *Thomas Horth of Yarmouth* be forthwith sent for as a Delinquent, and required to bring the Patent for Salt, and all such Bonds as have been entred into for the Payment of the Tax imposed upon Salt.

Mr.

Mr. *Whistler* of *Grays-Inn* Reported from the Committee for Irish Affairs, That their Grievances are set forth in a *Remonstrance* made by the Commons House of Parliament now sitting in *Ireland*, presented to the Lord Deputy *Wandesford*, wherein it appeared,

That Trading was destroyed, Unlawful Impositions imposed, Causes for Goods and Lands Arbitrarily determined by the Council Table, where no Writ of Error can lye; That there is a Monopoly on the Salt Trade, and Tobacco, of more Gain to the Parties interestted therein, than the King's whole Revenue in Ireland.

Upon debate thereof, It was Ordered, That *Sir Paul Davyes* Clerk of the Council in *Ireland*, do send with all speed a *Transcript* of such *Proceedings at Council Board*, as have been since the Time that the Earl of *Strafford* was first Deputy of *Ireland*, which do concern the particular Estates, Property and Possession of the Subjects, and particularly that the Warrants to lay Taxes upon Tobacco be transmitted.

Sir Robert Harley Reports from the Committee for the Communion, That none should sit in that House after the Communion Day, but those that had first received the Sacrament. And a Committee was appointed to go to the Lord Bishop *Williams*, Dean of *Westminster*, to desire that the Elements might be Consecrated upon a Communion Table standing in the Middle of the Church according to the Rubrick, and to have the Table removed from the Altar thither. The Dean replied, *He would readily do it at their Request, and would do the like for any Parishioner in his Diocese.*

This Day the House Ordered the *Speaker* should Sit in the Afternoon.

Saturday, Novemb. 21. The Bill concerning the Clerk of the Market to be read on *Monday* Morning, and a Catalogue of Bills to be brought hither, and presented to this House on *Monday* next.

The humble Petition of *Joseph Hawes*, read, and referred to the Committee for Grievances, and that all Extent upon Bonds by reason of the Matters set forth in the Petition, be stayed; and that the Patent for the *Monopoly of Tobacco* be forthwith brought into this House; And that the *Referrees*, to whom the Legality of this Patent was referred, attend the said Committee at the same Time. *Sir John Nulls* is ordered likewise to attend the said Committee at the same Time.

The Business concerning *Sir John Jacob*, complained of by Mr. *Trelawny* a Member of this House, is referred to the Committee for Monopolists, and he to withdraw in the mean Time, and not to sit till his Cause be heard.

Resolved upon the Question, That Doctor *Cosins* be forthwith sent for as a Delinquent, by the Serjeant at Arms attending on this House.

The Articles offered by a Member of this House against the Earl of *Strafford*, are referred to the Committee that are to draw up the Charge against the said Earl.

The Petitions from many of the Vintners, and from the Merchant-Adventurers, referred to the Committee for Grievances.

It is Ordered, That *Sir Nicholas Crispe* attend the Committee for Grievances and that he bring forthwith to this House the Patent for the sole Trade to *Guinney*, and the sole Importing of *Red-wood*; and the Patent concerning *Coperas Stones*, and the Patent for the sole making and vending of Beads and Beaugles.

The Members of this House are required when they come to receive the Communion to Morrow, to bring with them every Man a Ticket of his Name, and the Place for which he serves, to deliver it to one of the Committee appointed for that purpose.

16 Caroli.

None to sit in the House, but such as receive the Communion.

Novemb. 21.
Clerk of the Market.

Joseph Hawes
Petition Referred to the Committee for Grievances, being against the Monopoly for Tobacco.
Sir Jo. Nulls.
Sir John Jacob
to withdraw.

Dr. Cosins Delinquent.

Articles by a Member against the Earl of *Strafford*.
Vintners Petition.
Sir Nicholas Crispe his Patents to be brought in.

Ticket at the Communion.

Sir

An. 1640.

Sir Hen. Spiller.

Committee
to prepare
Charge a-
gainst Sir Hen.
Spiller.

Sir Henry Spiller, a Justice of Peace, being accused for Releasing and Conniving at Popish Priests, 'tis ordered he should remain still in safe Custody, till he understand the further Pleasure of the House.

Mr. Grimston,
Mr. Whistler,
Mr. Perd,
Mr. Glyn,

Sir Tho. Barrington,
Mr. Trencker,
Mr. Green,
Mr. Bagshaw,

The Knights of *Middlesex*, and the Knights and Burgessees of *Bucks*.

This Committee is to prepare the Charge against Sir Henry Spiller, and have Power to send for Records, Parties, Witnesses, and Papers, and are to meet on *Monday* in the Afternoon at Two of the Clock in the Court of Wards.

Edw. Sharpe
Prisoner to
Prosecute,
&c.

A Warrant is to be sent to the Keeper of *Newgate*, requiring him to bring in Safe Custody the Body of *Edward Sharpe* to the Committee for Sir Henry Spiller's Business, which sits on *Monday* in the Afternoon, and the said *Sharpe* is to have the Favour of this House in the same measure as *Leighton* has.

Edw. Sharpe.

The Petition of *Edward Sharpe* is referred to the same Committee, and so is the Petition of *Edmund Felton* Gent.

Grand Com-
mittee.

By Order the House is resolved into a Committee, Mr. *Sollicitor* was called to the Chair.

Mr. *Speaker* reassumed the Chair.

To make
known the
Names of
the Members
for Security.

Mr. *Sollicitor* Reported from the Grand Committee, That they were of Opinion, That the Lord Mayor and Court of Aldermen should have knowledge of the Names, and of the Security offered by this House, that they may consider of it, and return their Answer on *Monday* next.

To enquire
what *Papists*
are Comman-
ders in the
King's Army.

Mr. *Sollicitor* further Reported, That the Committee was of Opinion, That a Committee should be appointed to consider of the *State of the King's Army*, and what *Commanders* or other inferior Officers are *Papists*; and to consider of the State of the *Northern* Counties, and the Payments issuing thence to the *Scottish* Army, and how the Money being raised may with conveniency and speed be sent into the *North*; and to see whether any of those Charges that lye upon the Army, may conveniently be spared, and to have Power to send for the List of the Army, and any Persons that may conduce to the Business. This was Voted in the House, and Resolved upon by Question; and thereupon

Committee to
consider of
the State of
the King's
Army.

Sir William Udall,
Sir Peter Hayman,
Sir John Hotbam,
Mr. Hampden,
Sir Christopher Wray,
Mr. Kirton,
Collonel *Asburnham*,
Sir Ralph Hopton,
Sir John Merrick,
Captain *Rainsborow*,

Mr. *Purefoy*,
Mr. *Capell*,
Commissary *Wilmot*,
Mr. *Noell*,
Sir *Walter Earl*,
Sir *Gilbert Gerrard*,
Mr. *Hollis*,
Sir *Robert Harley*,
Sir *Henry Bartley*,

were named a Committee to consider, &c.

This

This Day Sir *Edward Deering* made the following Speech, at the Grand Committee for Religion.

Mr. *Chairman*,

YOU have many private Petitions, give me leave (by Word of Mouth) to interpolate one more general, which thus you may receive.

God's true Religion is violently invaded by two seeming Enemies; but indeed they are (like *Herod* and *Pilate*) fast Friends for the Destruction of Truth: I mean the *Papists* for one Party, and our *Prelating Faction* for the other. Between these Two in their several Progress, I observe the concurrence of some few Parallels, fit (as I conceive) to be represented to this Committee, and the Honourable House.

First, With the *Papists* there is a severe *Inquisition*, and with us (as it is used) there is a bitter *High Commission*; both these (*contra Fas & Jus*) are Judges in their own Cases; yet herein their Inquisitors are better than our High Commissioners: They (for ought I ever heard) do not *Savire in suos*, Punish for Delinquents and Offenders, such as Profess and Practice according to the Religion Establish'd by the Laws of the Land where they live.

But with us, how many poor Distressed Ministers: Nay, how many Scores of them in a few Years past, have been *Suspended, Degraded, Deprived, Excommunicated*, not Guilty of the Breach of any of our establish'd Laws? The Petitions of many are here with us, more are coming; all their Prayers are in Heaven for Redress.

Secondly, With the *Papists* there is a mysterious Artifice, I mean their *Index Expurgatorius*; whereby they Clip the Tongues of such Witnesses, whose Evidence they do not like. To this I parallel our late *Imprimaturs*, Licenses for the Press; so handled, that Truth is suppress'd, and Popish Pamphlets fly abroad, *Cum Privilegio*; Witness the Audacious and Libelling Pamphlets against true Religion, Written by *Pocklington, Heylin, Dow, Cofins, Shelford, Swan, Reeves, Yates, Hausted, Studly, Sparrow, Brown, Roberts*—many more;—I name no *Bishops*, but I add, &c. Nay they are already grown so Bold in this new Trade, That the most Learned Labours of our Ancient and Best Divines, must be now *Corrected* and Defaced with a *Deleatur*, by the Supercilious Pen of my Lords young Chaplain, fit (perhaps) for the Technical Arts, but unfit to hold the *Chair* of Divinity.

But herein the *Roman Index* is better than our *English* Licensers; they thereby do preserve the current of their own establish'd Doctrine, a Point of Wisdom. But with us, our Innovators by this Artifice do alter our settled Doctrines; nay, they do subinduce Points repugnant and contrariant; and this I dare assume upon my self to prove.

One Parallel more I have, and that is this: Amongst the *Papists*, there is one acknowledged *Supreme Pope*; Supreme in Honour, Order, and in Power; from whose Judgment there is no Appeal, — I confess (Mr. *Chairman*) I cannot altogether match a Pope with a Pope (yet one of the Ancient Titles of our *English* Primate was *Alterius Orbis Papa*) but thus far I can go, *Ex ore Suo*, it is in Print, — he pleads fair for a *Patriarchate*: And for such an one, whose Judgment he (beforehand) professeth ought to be *Final*, and then I am sure it ought to be *Unerring*. Put these together, and you shall find that the *final determination of a Patriarch*, will want very little of a Pope, — and then we may say,

Mutato Nomine de te
Fabula Narratur.

he pleads Popeship under the Name of a Patriarch; and I much fear lest the End and Top of his Patriarchal Plea, may be as that of Cardinal *Poole* his Predecessor, who would have two Heads, one *Caput Regale*, another *Caput Sacerdotale*; a proud Parallel, to set up the Mitre as high as the Crown. But herein I shall be free and clear; if one there must be (be it a Pope, be it a Patriarch) this I resolve upon for my own Choice, *procul a Jove, procul a Fulmine*; I had rather serve one as far off as *Tiber*, than to have him come so near as the *Thames*: A Pope at *Rome* will do me less hurt than a Patriarch may do at *Lambeth*.

I have

16 Carol².

St. Edward
Deering's
Speech,
Nov. 21.

An. 1640.

I have done, and for this third Parallel I submit it to the Wisdom and Consideration of this *Grand Committee for Religion*. In the mean time I do ground my Motion upon the former Two, and it is this in brief:

That you would please to select a Committee of a few, and to impower them for the Discovery of the Numbers of oppressed Ministers under the Bishops Tyranny for these Ten Years last past; we have the Complaints of some, but more are silent; some are patient and will not complain; others are fearful and *dare not*; many are beyond Sea and *cannot*.

And in the Second Place, that the Sub-Committee may examine the *Printers* what Books by bad Licenses have been corruptly issued forth, and what good Books (like good Ministers) Silenc'd, Clipp'd, or Cropp'd.

The Work I conceive will not be difficult, but will quickly return into your Hands full of Weight.

And this is my Motion.

Dungennes
Lights re-
ferr'd.

Monday, Novemb. 23. The Business concerning the Lights of *Dungennes*, and *Wintertounesse*, is referred to the Committee for Trade, and the Parties interested in those Lights, are to attend the said Committee.

Referrees for
Grants of Mo-
nopolies to be
enquir'd after.

By Order of this House, This Clause is to be added to the Committee for Monopolists, *That the Referrees of all Patents and Grants of Monopolies, and such as have Advised, and Counsell'd the King touching them, be enquired of by this Committee.*

All Grants of
Monopolies to
be brought in.

And that all Patents and Grants of Monopolies that have been complained of in this House, be forthwith brought into this House.

Calve-skins
and Raw Hides
referred to
the Commit-
tee for Trade.

The Business concerning the Transporting of *Raw Hides* and *Calve-skins* is referred to the Committee for Trade; and it is Ordered, That those that have any Benefit by those Patents, or that License any by Authority of those *Patents* to Trade in the Commodities aforesaid, be required to attend the said Committee.

Grocers Peti-
tion.

The *Grocers Petition* was read, and referred to the Committee for Grievances; complaining of Projects upon their Commodities.

A *Petition* from *Salters* and *Dyers* was likewise referred to the same Committee, complaining of the like Grievances.

Committee
for the Earl
Marshal's
Court.

Mr. Selden,
Mr. Hollis,
Mr. Hide.
Sir Henry Mildmay,
Sir Simon D' Ewes,
Lord Faulkland,
Mr. Chadwell,
Sir Tho. Bowyer,
Dr. Eden,
Dr. Parry,
Mr. Capel,
Mr. Solicitor,
Sir Tho. Barrington,
Sir Francis Seymour,
Sir William Litton,
Sir Edward Deering,

Mr. Pierpoint,
Mr. Henry Bellasis,
Mr. Palmer,
Sir Peter Hayman,
Mr. Broxam,
Sir John Culpeper,
Sir Philip Stapleton,
Mr. Maynard,
Sir William Udall,
Sir Ralph Hopton,
Mr. St. John,
Mr. Bagshaw,
Sir Guy Palmes,
Mr. Bisse,
Mr. Whistler,
Sir Christopher Wray.

Power to the
Committee
for the Earl
Marshal's
Court.

This Committee is to receive all Petitions that are or shall be delivered concerning the High Constable, and Earl Marshal's Court, and to enquire after the Fees of the High Constable, and Earl Marshal's Court, and the Herald's Fees, and to consider of the Proceedings and Power of the High Constable

Constable and Earl Marshal's Court, and to report the State of the whole Matter to the House; and has Power to send for Writings, Books, Records, Papers, Officers, Parties and Witnesses, and to assign and hear Council; and are to meet on *Wednesday* in the Afternoon, at Two of the Clock, in the *Star-Chamber*.

Mr. *Speaker* delivered a Message from his Majesty to this Effect:

That his Majesty takes notice of a foul and horrible Fact committed on Saturday last, in his own Palace, upon Mr. Haywood, while he was employed in the Service of the House of Commons, and doth recommend it to the Parliament to take course for a speedy and exemplary Punishment of it.

Sir Thomas Widdrington,
Mr. Glyn,
Mr. Wheeler,

Sir Arthur Ingram,
Mr. Upton.

16 *Caroli.*
Message from the King concerning Mr. Haywood, employed to present a List of Papists, who was suddenly stabb'd.

Committee to enquire of the Fact.

John James, who stabbed Haywood.

Thanks to the King.

Recusants Names in Westminster.

Consideration of a Guard.

Report.

Committee for the Bill of 100000 l.

Contribution in the North to the Scots Army.

Novemb. 24. Pin-makers Petition complaining of the Project upon Pins.

Sheriff.

This Committee is to enquire after the Fact of John James committed upon Mr. Haywood; and has Power to search his Trunks, Boxes, or any other thing that may conduce to this Business.

The Honourable Persons near the Chair are desired, in the Name of this House, to return humble Thanks to his Majesty for his Gracious Message, and the great Care therein express'd for the Safety and Preservation of this Assembly.

The Petitions from the City of London concerning Recusants, and the Catalogue of Recusants Names delivered in from Mr. Haywood, are referred to the Committee for Enquiry after Papists, and delivered unto them. The Citizens of London, in their Petition, do offer to guard the Parliament, looking upon this Fact done upon Haywood to have a deeper Design upon the Parliament. Whereupon it was resolved upon the Question,

That it is expedient for this House to accept of this Guard so kindly offered to this House for their Safety. But the Consideration of this Business concerning a Guard, is referred to a further Debate till to-morrow Morning.

That Mr. Pym do make a Report of the Charge against the Earl of Strafford to-morrow Morning at Nine of the Clock.

The Committee for preparing the Bill for the Grant of 100000 l. now *sine die*, is to meet this Afternoon at Two of the Clock in the Exchequer Chamber, and no other Committee is to take up that place; and all that are of that Committee are to attend that Committee, and no other at that Time.

Ordered, That so many of the Committee that is appointed to consider of the State of the King's Army, (as the Committee shall think fit) shall have Power to treat with some of those Lords-Commissioners that are appointed to treat with the Scottish Commissioners concerning the Contributions in the Northern Parts.

Tuesday, Novemb. 24. Petition and Proclamation touching Pin-makers, referred to the Committee for Grievances, complaining of a Project upon Pins.

An Act for Reversal of a Decree made in Chancery and Star Chamber, between Sir Arnold Herbert, Knight, Plaintiff, and Lownes & al Defendants.

That the Sheriff of Warwick be brought hither to-morrow Morning.

An. 1640.

Sir John Holland declares himself free from Popery.

Mr. Norton's Examination against Dr. Cosins.

Report concerning the King's Army.

Keys brought up. Mr. Pym reports the Earl of Strafford's Charge.

Mr. Peard explains concerning the word Regal.

Articles to be engrossed against the Earl of Strafford.

New Canons.

Ship-Money.

Novemb. 25. Mr. Foxley's Petition referred to Dr. Leighton's Committee.

Report against Dr. Layfield, for setting the Communion Table Altar-wise.

Sir John Holland desiring to clear himself from any Opinion that might reflect upon him of being a Papist, upon that Consideration that his Wife was, and continues a Papist; was, upon what he said and professed there, cleared by Question from any such Opinion, and the whole House rested very well satisfied with that Declaration he voluntarily made of his Affection and Constancy to the Protestant Religion.

One *Mr. Norton*, a Divine, was called in, and examined; and to divers Questions demanded of him by *Mr. Speaker*, answered,

That he had a Son at Cambridge; and certain Fellows of Peter-House endeavoured to seduce him to Popery, pretending that Dr. Cosins would make him a Fellow of Peter-House, if he would come thither. Thus much appeared upon Oath, and that he was forced to send for his Son away. He further said, *He hath a Copy of the Arguments that passed between them and his Son. That the Questions in Peter-House Chapel are maintained and held as they are at Rome; and instanced several of the Questions.* This referred to the Committee for *Mr. Smart's* Petition.

Sir John Hotbam reports from the Committee for Enquiry after the State of the King's Army, &c. The Consideration whereof is to be the first Business to-morrow Morning at Nine of the Clock.

Upon *Mr. Pym's* Motion, the Outward Room was cleared, and the Keys of the Outward Door, and the House-Door, brought up to the Clerks Table. And then *Mr. Pym* reported from the Committee appointed to draw up the Charge against the Earl of *Strafford*: And the Title of the Charge, and every particular Article, and the Conclusion, and the Addition to the Conclusion, were distinctly read, and severally put to the Question, and every Particular resolved upon by Vote of the House.

Mr. Peard was by Vote cleared from any Imputation to be laid upon him, for any Expression or any Interpretation he made of the word *Regal*, used in one of the Articles of the Charge against the Earl of *Strafford*.

The Articles thus resolved upon by Question, were by another Question ordered to be engrossed against to-morrow Morning, and no Copies to be delivered of them in the interim; and the same Committee that prepared the Charge, is to draw up the Interrogatories, and *Mr. Pym* is to go up to the Lords with the Charge.

Tuesday next is appointed for the Debate of the New Canons, and the Benevolence granted by the Clergy.

Friday Morning Nine of the Clock next, is appointed for the Debate concerning *Ship-Money*.

Wednesday, Novemb. 25. *Mr. Foxley's* Petition read, and referred to the Committee for *Dr. Leighton's* Petition, complaining of his long Imprisonment (being one of the Feoffees for Improvements) by the means of the Archbishop of *Canterbury*, &c. and is to have the like Favour and Privileges of this House, as *Dr. Leighton*, &c.

Mr. White reports from the Committee for Religion, *That the Petition against Dr. Layfield, Vicar of Alhallows Barking, London, was examined by the Committee, and fully proved. He hath set the Communion-Table Altar-wise, caused Rails, and Ten several Images upon those Rails, to be set at the Altar. He bowed three times at his going to the Rails, twice within the Rails, and once at the Table; and so in the Return. But since the Images were taken down, upon Complaint made by the Parish, he hath bowed but twice, and that is within the Rails, and at the Table, which is an Argument*

ment be bowed before to the Images. He hath caused I. H. S. to be set up in Golden Letters upon the Table, and 40 Places besides; said to the People, Heretofore we saw Christ by Faith, but now by our fleshly Eyes we see him in the Sacrament. When these Images were taken down, he charged them with Sacrilege. He refused to give the Sacrament to his People, unless they came to the Altar, though they have offered reverently kneeling to receive the same in the Body of the Church. He caused one Boulton to be excommunicated for not coming up to the Rails to receive, and refused to read his Absolution. He said he would not for 100 l. come from the Rails to give the Sacrament; nay, he would rather lose his Living. That they are black Toads, spotted Toads, and venomous Toads, (like Jack Straw, and Wat Tyler) that spake against the Ceremonies of the Church, and that they were in the State of Damnation. He tells them they must confess their Sins, and he hath Power to absolve them. He is their Pastor, and they ought to do as he advised them; the Sin is his, and not theirs.

16 Caroli.

The Committee were of Opinion, That though he were a Member of the Convocation House, yet should be sent for as a Delinquent.

Mr. White did further report, That William Coltman, who was denied the Sacrament by Hugh Roberts his Curate, did indict him at the Sessions at Newgate, but Sir Henry Spiller would by no means suffer him; said he was a bold Fellow, and should be talked withal elsewhere.

The Witness further said, That the other Day meeting Sir Henry Spiller at the Door here, he said he was desirous he should have Justice done him; and had sent to my Lord Bishop of Canterbury and London, for they would not suffer him to proceed.

Dr. Layfield to be sent for, notwithstanding he be a Convocation Man. Sir Henry Spiller favour'd a Minister, who denied the Sacrament to his Parishioner.

Mr. White further reports, That the Church of St. Gregories in London was an Ancient Church, 3000 Souls in that Parish, Woollen-Drapers of good Quality, Four Years since bestowed 1500 l. in the beautifying of the Church; shortly after, the Lord-Treasurer, and Lord Cottington, caused a great Part of it to be pulled down by Command from the King and Council, as they pretended; they petitioned the Lords of the Council, but could have no Redress.

Report of St. Gregory's Church.

Committee are of Opinion, That it is a great Grievance, done without Law, and against Law, to stop the People of Meeting in the Worship of God; That this be sent up to the Lords among others of our great Grievances, That it may be re-edified by those that caused it to be pulled down.

Ordered, Dr. Layfield, Vicar of St. Alballows Barking, to be forthwith sent for as a Delinquent by the Serjeant at Arms attending on this House, notwithstanding he is a Member of the Convocation House.

Dr. Layfield, a Delinquent.

Ordered, The whole Business concerning Coltman's being denied Justice by Sir Henry Spiller at the Quarter-Sessions, be referred to that Committee that is to prepare the Charge against Sir Henry Spiller.

Ordered, That the Business concerning the pulling down of the Parish Church of St. Gregory's by Paul's, by vertue of an Order from Council-Board, be referred to the Committee of 24; and they are to report to this House their Opinions of the particular Business which this Day was presented to this House from the Grand Committee for Religion, as a great Grievance.

The pulling down of St. Gregory's Church, referred to a Committee of 24.

An. 1640.

Committee
for St. Gregory's Church.

Mr. Selden,
Mr. St. Johns,
Mr. Perd,
Mr. Whistler,
Mr. Goodwyn,
Sir Tho. Widdrington,
Mr. Crew,

Mr. Potts,
Mr. Hampden,
Mr. Glyn,
Mr. Kyrton,
Sir Dudley North,
Mr. White,
Mr. Bagshaw.

The Power
given to that
Committee.

This Committee is to take into Consideration the Parishioners Complaint of the Parish of St. Gregory's by Paul's, concerning the pulling down of their Church by force of an Order from the Council-board, and are to think of some way of Redress for them; and have Power to send for Inigo Jones, and any other Person as they shall think fit; and are to meet to morrow in the Afternoon, at Two of the Clock, in the Exchequer Chamber.

Conference a-
bout the Earl
of Strafford's
Articles.

That the Lord Digby be sent up with this Message to the Lords, *That this House desires a Conference with their Lordships by a Committee of both Houses, concerning Articles to be exhibited against the Earl of Strafford.*

(Rule.)
Messengers to
go out first.

Ordered, That when any Message is to go up to the Lords, none shall go out of the House before the Messenger.

Lord Digby's
Report.

Lord Digby brings Answer, *That their Lordships have considered the Message, and desire to meet a Committee of this House, with a Committee of theirs, presently in the Painted Chamber.*

Articles
against the
Earl of Strafford
ingrossed,
and agreed
unto.
Mr. Pym Leave
to speak.

The Ingrossed Articles were again presently read in the House, and agreed to be sent up to the Lords by Mr. Pym, by Vote upon the Question.

Mr. Pym, before he went, made a short Declaration of the Substance of that he intended to deliver unto the Lords, both before, and after the Delivery of the Articles; of the Nature of the Charge, and of the Legal Prerogative of the King, and of the Course of ordinary proceeding in a Case of this Nature.

Mr. Pym's Re-
port of the
Conference.

Mr. Pym's Report of the Conference with the Lords in delivering up the Articles against the Earl of Strafford, *That he attended the great Committee of this House, and in their Presence delivered to the Committee of the Lords House, the Charge against the Earl of Strafford, put into his Hands; and if any thing passed him through Weakness, or Disability, he desired the Excuse of this House.* Whereupon it was moved, That Mr. Pym might have Thanks for his well Delivery of the Charge against the Earl of Strafford.

Thanks to
Mr. Pym.Mr. Harrison's
generous Of-
fer to lend
50000 l. for
Relief of the
Northern Parts.

Upon Mr. Harrison's Offer of furnishing 50000 l. upon Fifty of those Hundred Gentlemen's several Securities that voluntarily offered their Securities for a Hundred Thousand Pounds; it was agreed, That he should have a Note of their Names delivered unto him, that he might of the whole Hundred make choice of Fifty, such whose Securities he would severally take for this Fifty Thousand Pounds, until the Act of Parliament be pass'd for Grant of the Hundred Thousand Pounds; and then these several Securities are to stand no longer, but he, or whom he shall appoint, are to be made Treasurers for 50000 l. of that Money.

Knights of the
Shire to at-
tend.

Moved, That one of the Knights for every Shire do attend the Committee that is to prepare the Bill for the Grant of the Hundred Thousand Pounds.

Mr. *Treasurer* to move my Lord General, That those Commanders of the King's Army, which are not Members of this House, may presently be sent down to the Army *to keep the Soldiers in better Order.*

Mr. *Sollicitor* reports from the Committee that is to prepare the Bill for the Hundred Thousand Pounds, That according to the Rate of the last Subsidy paid, That that Part that fell upon the Lords according to that Rate, should be deducted out of this Sum, before we come to Distribution of the several Shires to assess the Lords by themselves. The Question that ariseth in this Matter is, Whether the Proportion that now standeth on the Household, should stand according to the old Rate?

This Committee, in framing this Bill, is to proceed according to the old Rate, as touching the King's Household; and the whole House did seem generally to be of Opinion, That in all other Particulars they should observe the old Way.

Thursday, November 26. That neither Book nor Glove may give any Man Title or Interest to any Place, if they themselves be not here at Prayers.

The Petition from the County of Somerset referred to the Committee of 24; complaining of Grievances in Church and State.

An Act concerning the Office of the Clerk of the Market, read the first time.

The Petition from the Inhabitants of the several Towns of Abergenny, Usk, and Newport in Wales, read, and referred to the Committee for Privileges.

The Committee for Monopolists now *sine die*, to sit in the Afternoon on Saturday, at Two of the Clock, in the Court of Wards; and it was moved, that some Merchants might be added to that Committee.

Mr. *Maynard* reports from the Committee for Privileges, That it did appear to the Committee, that 21 Edw. I. the Town of Honiton did send Two Burgesses to Parliament; for it appears by a Writ at that Time, that they should send those to that Parliament. It also appear'd, that before 26 Edw. I. Asperton sent Burgesses to Parliament. It further appeared by current Proof, that these Towns being still Boroughs, did pay the Charge of Borough-Towns, Tenths, and not Fifteenths, as Marlow Magna did: And therefore it was the Opinion of the Committee, that these Towns ought to be restored: And upon Mr. *Maynard's* Report, it was resolved upon the Question, That the Two Towns of Honiton and Asperton, in the County of Devon, should be restored to their Ancient Rights and Privileges of sending Burgesses to Parliament; and that a Warrant issue forth under Mr. *Speaker's* Hand, directed to the Clerk of the Crown for new Writs accordingly.

It was informed by a Member of this House, That John Hebourn, who had formerly petitioned this House, and whose Petition was referred to the Committee for Doctor Leighton's Petition, had since enlarged his Petition, and it was desired that it might be referred to the same Committee that formerly it was; and it was ordered accordingly.

The Election of the Town of Tewksbury was likewise reported from the Committee for Privileges; but by reason of some Difficulties that were not as yet sufficiently cleared to the House, it was by Resolution upon the Question recommitted to the Committee for Privileges.

Ordered,

16 Caroli.

Commanders to repair to the Army. Report of the Rate of Subsidy.

Old Rate.

Novem. 26. (Rule.)

No Privilege for Place, if after Prayers. Somerset Petition referred.

Clerk of the Market.

South Wales.

Committee of Monopolists.

In Devonshire, Honiton to send Burgesses; and Asperton also.

Resolution to be restored upon that Report.

John Hebourn his Petition to be amended and referred.

Tewksbury Election.

An. 1640.

Addition to
the Commit-
tee for the
King's Army.And Mr. Har-
rison to chuse
50 Members,
who have of-
fered them-
selves to be
Security.

King's Army.

New Canons.

Communion-
day.Novem. 27.
Draining of
Fens.Naturalizati-
on of James
Bove.
Act for the
Tenants of
Clitherow.
Report by
Mr. Glyn a-
gainst Alder-
man Abel.Alderman A-
bel & al De-
linquents.Order, that
the Vintners
have Copies
of Abel's Pa-
pers.

Ordered, That

Sir Hugh Cholmely,
Sir John Strangeways,
Sir Philip Stapleton,} are added to the Committee for the Northern
Army.

Mr. Harrison and Fifty of those Gentlemen whose Names were now read, that voluntarily offered their Securities for 1000 l. apiece, till the Act of Parliament for the Grant of 100,000 l. be pass'd, should be added to the Committee that is to consider of the State of the King's Army; and the preparing of those Bonds that are to be entred into by those Gentlemen, is referred to the same Committee; and they are to meet this Afternoon at Two of the Clock in the Exchequer-Chamber.

That on Saturday Morning at Nine of the Clock, the House take into Consideration the State of the King's Army.

The House began the Debate concerning the New Canons, and the Grant of the Benevolence; but the Day being far spent, and the Debate likely to continue long, it was ordered that it should be deferred till Monday Morning Nine of the Clock; and the Committee formerly appointed for that Purpose, are required to procure for the Service of this House the Licenses precedent and subsequent, and such other Commissions and Warrants, as they shall think necessary for the clear debating of this Business.

Sunday next is appointed for the Members of this House to receive the Communion at St. Margaret's Westminster, in the same manner as was ordered by the Committee formerly appointed for that purpose.

Friday, Novemb. 27. Sir Nicholas Slanning, a Member of this House, delivered in a Petition concerning the draining of the Right Honourable the Earl of Lindsey his Fens; but because the House was then very thin, he was required to move the House in it when it was full.

An Act for the Naturalizing of James Bove, read the first time.

An Act concerning his Majesty's Tenants of divers his Manors of Clitherow, That this Bill be read on Tuesday Morning next.

Mr. Glyn reports from the Grand Committee for Grievances, That Quartermen, and Two others, on the behalf of several other Vintners, did exhibit a Petition to this House against Alderman Abel, who having notice thereof, called a Hall, and summoned Quartermen, &c. who appeared: Then the Alderman told them, *It was a sawcy Part in them to prefer a Petition to the Parliament-House, without acquainting the Company first.* And thereupon caused an Oath to be read unto them, whereby they were enjoined not to complain elsewhere, till they had first complained in their own Hall. Rowland Wilson did say the same, though not so fully. They did likewise accuse one William Conrades, that he did not only chide them, but told James Masters he was a sawcy Knave for his Pains. The Opinion of the Committee is, *That it is a very ill Example, and deserveth a high Punishment; and leaveth it to the House what they think fit to be done.*

Upon this Report it was ordered, That Alderman Abel, Rowland Wilson, and William Conrades, be sent for hither forthwith, as Delinquents, by the Serjeant at Arms attending in this House, to answer such Matters as shall be objected against them.

It was likewise ordered, That the Vintners who prosecute Alderman Abel, shall have Copies of such Orders and other Papers as they shall think fit, which are lock'd up in Alderman Abel's Trunk, which he hath brought hither,

hither, and of which he hath the Key, the better to perfect their Charge against him. It is likewise ordered, That *Robert Quarterman, James Wason, William Bellamy, and Richard Kilvert*, be summoned to attend this House as Witnesses, to give their Testimony when the House shall require, in the Case concerning Alderman *Abel*.

Sir *Arthur Ingram's* Report from the Committee that was appointed to examine the Fact of *John James* committed upon Mr. *Haywood*, That in his Lodging they found a Trunk and Cabinet, and several Conveyances and Leases unto him; also Bonds and Bills of no great Value; a Purse with Gold in it (5l.) also Seventeen Pounds in a Stockin; several Letters of no Note, save one, and subscribed by Toby Matthew, which was to counsel him from committing such Outrages as it seems he had then done. The Man of the House shewed us a Sword and a Dagger of his which stuck up in the Chamber, saying there was that Day he did the Fact another Dagger, which it seems he took to do that Mischief he did that Day; he did it not in any Distemper, but of good Condition. The Party upon whom he committed the Fact, was one employed by the House, then in Service of the House, coming with a Book in his Hand to the Committee, of the Papists Names about Westminster. Therefore the Committee think fit, that a Bill be prepared against him in this House, that this Fact of his may be made Felony. After some Debate that arose from this Report, the House having appointed an important Business for this Day, this whole Matter with all the Circumstances were referred to the former Committee, and they were likewise to take into Consideration his Lunacy; and there were added to that Committee,

Mr. Maynard,
Mr. Hampden,
Mr. Palmer,
Mr. Bagshaw,

Sir Benjamin Rudyard,
Mr. Strode,
Mr. St. Johns,
Mr. Whitehead.

16 Caroli.
Report of
Mr. Haywood's
Case.

Committee
concerning
John James.

And they are to meet on Monday in the Afternoon, at Two of the Clock, in the Court of Wards.

Sir *William Uvedall* is appointed to receive both the Money for the King's Army, and the Money for the Northern Counties; and he, and whom he shall appoint, are to go forthwith in hand with the telling of the Money, and to seal it up till the Committee has agreed the Conditions of the Bonds.

Sir William
Uvedal, Re-
ceiver.

Mr. Palmer,
Mr. St. Johns,
Mr. Selden,
Mr. Glyn,
Sir Walter Earle,
Mr. White,
Sir John Culpeper,
Mr. Rolles,
Mr. Solicitor,
Sir Francis Seymour,

Mr. Peard,
Sir Guy Palmes,
Mr. Whistler,
Mr. Hampden,
Mr. Corbet,
Mr. Maynard,
Mr. Whitlock,
Mr. Pym,
Mr. Grimston,
Sir John Evelyn.

Committee to
examine ille-
gal Proceed-
ings in the
Exchequer.

This Committee is to take into Consideration the several Commissions, and the several Judgments and Decrees in the Exchequer Chamber, concerning either Illegal Taxes, or the Property of the Goods of the Subjects, and the Proceedings thereon: And also the Judgments, Resolutions and Proceedings in Parliament upon them; and to present the State of them to this House, that they may proceed upon them in such a way as shall be fit to present them to the Lords; and they are likewise to consider the

Pro-

An. 1640.

Proceedings in Parliament upon the *Petition of Right*, and the Additions unto it; and they are to consider those Proceedings that were in the *Exchequer* since the Death of King *James*, upon the Statute of *Tonnage and Poundage* granted unto him for Life, and the Proceedings upon *Replevins* brought by those that had their Goods detained by Colour of that Statute: As also the Proceedings in Parliament concerning Doctor *Manwaring*, and have Power to send for any Papers, Records, Parties, Witnesses, or any thing that they shall think may conduce to this Business; and are to meet to-morrow in the Afternoon, at Two of the Clock, in the *Exchequer Court*.

A Message from the Lords by Justice *Littleton*, and Justice *Berkly*.

Message from the Lords for a Conference about the Earl of *Strafford*.

That the Lords desire a Conference by a Committee of 30 of their House, with a proportionable Number of this House, concerning the Message that was brought unto them by Mr. Pym, touching the Examination of their Members in the Accusation of the Earl of Strafford; and desire a free Conference touching the last Point of that Message, That some of the Members of this House should be present at the Examination; and they desire it this Morning in the Painted Chamber, if it may stand with the Conveniency of this House.

Answer.

Answer returned by the same Messengers, *That this House has taken into Consideration their Lordships Message, and will, in convenient time, return Answers by Messengers of their own.*

Committee to peruse Precedents for a Conference.

Mr. *St. John*,
Mr. *Selden*,
Mr. *John Culpepper*,
Mr. *Grimston*,

Mr. *Palmer*,
Mr. *Pym*,
Sir *Simon D'Ewes*.

This Committee, or any Two of them, are appointed to view those Precedents cited by Mr. *St. Johns*, or any other that may conduce to that Business, and to present the State of them to the House to-morrow Morning; and are to meet this Afternoon, at Three of the Clock, in the *Treasury-Chamber*.

Novemb. 28.
Tho. Brewer's
Petition, a
close Prisoner.

Saturday, Novemb. 28. The humble Petition of *Thomas Brewer*, Gent. close Prisoner in the *Kings-Bench*, read and referred to the Committee for *Dr. Leighton's* Petition, and he to have the same Favour and Privilege in all Points, as *Dr. Leighton* has: He was an Anabaptist.

Dr. Cosins's
Petition.

The humble Petition of *John Cosins*, Dean of *Peterborough*, read and referred to the Committee for *Mr. Smart's* Petition, together with other Papers.

Banbury Pe-
tition.

The humble Petition of the Mayor, Aldermen, Burgessees, and other the Inhabitants of the Town and Borough of *Banbury* in the County of *Oxon*, read, and referred to the Committee for Religion; Complaining of Innovations, &c.

Mr. *Vivers*
avowed the
Petition.

Mr. Vivers, that presented this Petition, was called in, and did acknowledge the Hand to the Petition to be his, and that he delivered it by Order and on the Behalf of the Town of *Banbury*.

Officers and
Merchants in
Ireland Pe-
tition.

The humble Petition of his Majesty's Officers, and others the Merchants belonging to his Highness's Realm of *Ireland*, read, and referred to the Committee that was appointed to draw up the Articles against the Earl of *Strafford*. This Petition, as it was affirmed by *Mr. Barlemachi*, Post-master of *England*, to *Mr. Speaker*, was sent inclosed in a Letter to him

him from Ireland: and this Mr. Speaker, at the Delivery of the Petition, declared to the House.

Mr. Whisler Reports from the Committee for Irish Affairs, That there are many Petitions full of Matter of Complaints of the Proceedings in Ireland, and Suitors there for Justice. There are many Petitioners here whose Estates are so exhausted, that they are scarce able to bring Witnesses from Ireland hither. Many great Persons of Quality and Trust are in Ireland, material Witnesses to be examined, as the Master of the Rolls, the Lord Chancellor and others: These can hardly be spared to come hither to give their Testimony. The Committee desires the Advice of the House in this Particular, (which the Judgment of the Committee could not determine) to think of some Way how these Parties might have their Testimony taken, the Truth known, and Justice done.

This whole Matter thus Reported from the Committee for Irish Affairs, is recommitted to the same Committee again to consider of it, and to draw those Things that are to be enquired of under apt Heads, and to present them to the Judgment of this House to proceed accordingly.

Mr. Glyn Reports from the Committee that is to make enquiry after Papists,

1. That as for the Proclamation, the Committee have perused it, and find several defects in it; and that the issue and effect of it, is not according to His Majesty's Gracious Intention, and the Expectation of this House.

2. In the Clause wherein the Proclamation commandeth all Popish Recusants within Fifteen Days to depart the City, &c. 'tis added, Without special License had thereunto: So that if by any means they can obtain any License from His Majesty (which the Committee thinks they cannot) or from the Lords of the Council, Bishop, or Lieutenant, or Deputy-Lieutenant, then they are not within that Clause.

3. To disarm all Recusants; That is limited to Recusants Convicted, and being so restrained, if any be Armed and not Convicted, a Justice of Peace cannot disarm them.

4. They do find many Recusants have Letters of Grace to protect them, their Persons and Estates.

5. Where the Command is for Recusants to depart to their own dwelling Houses, of late Days great Resort of Recusants are to London and Westminster, and Places adjacent; so that they make their Homes thereabouts, and by Law there is no urging of them from their Places hereabouts. This is that I am commanded by the Committee to report unto you.

The particular Exceptions taken by the Committee to the Proclamation and other Matters concerning Recusants, is recommitted to the same Committee to draw a Bill for that which is necessary for a Bill, and to draw a Petition for the rest, and to offer it to the Consideration of this House, to be after presented to the King; and they are to take into Consideration that which was said by a Member of this House, That he heard a Gentleman inform the Judges of the Kings-Bench, and the Grand Jury there in open Court, That one of their Neighbouring Parishes had above 6000 Recusants in it.

Mr. Maynard,
Mr. St. John,
Mr. Hyde,
Mr. Whisler,

Mr. Palmer,
Mr. Glyn,
Mr. Solicitor.

This Committee is to collect and offer to this House, Reasons for this House to make use of and insist upon, in maintenance of that Point of

16 Caroli.

Report of
Complaints
out of Ireland.

Recommitted.

Reports concerning Recusants.

Proclamation concerning Recusants.

Committee.

To prepare Heads for a Conference.

An. 1640.

Sacrament.

The King's
Army.Novemb. 30.
Privilege of
a Member.Mr. Wilson's
Case reported,
being seque-
stred for not
reading the
Book of
Sports, &c.

Resolve.

Committee
for Serjeant
Hyde and Mr.
George.

the Message of this House to the Lords, which desires the Presence of some of the Members of this House at the Examination of such Witnesses, as shall be proposed by this House in the Accusation of the Earl of *Strafford*.

Ordered, That if any one be chosen a Member of this House, and his Writ not yet returned, he may notwithstanding be admitted to the Sacrament to morrow, delivering in a Ticket of his Name, and the Place for which he serves.

That the Committee appointed to consider of the State of the King's Army, shall meet this Afternoon at Two of the Clock in the *Exchequer-Chamber*, and has Power to name some convenient number of themselves to go and treat with the *English* Lords Commissioners concerning such Things as they in their Judgments shall think fit, and shall make their Report to the House on *Monday* Morning next.

Monday, November 30. Ordered, That Mr. Owen shall give answer to a Petition exhibited against him by one *William Jenkins*, Merchant, complaining that Mr. Owen, a Member of this House, did privilege one *John Poyer* to his prejudice, the said *Poyer* being none of his menial Servants. And it is further Ordered, That the said *Poyer*, notwithstanding his Claim of Privilege, be kept still in safe Custody till the House shall take further Order in it.

Mr. Rowse Reports from the Committee for Mr. Wilson's Petition, That Mr. Wilson hath been sequestred Four Years from his Living worth 60*l.* per annum, only for not reading the *Book of Recreations* on the Lord's Day. It appeared to the Committee, that the Archbishop himself suspended him in *March 1634*. and that he was absolved in *December 1638*. In the mean Time, his Tythes were sequestred, and for three Years he hath attended the *High Commission*; Complaint was made there against him for not reading the Prayer of the last Addition commanded to be read by the Archbishop. He answered, He was not to read the Prayer that was Arbitrary, but that which was Enacted. He was summoned to appear again at the Court-day; a Pursuivant hath prosecuted him ever since.

Resolved upon the Question, That Mr. Wilson had just Reason of Complaint, and that there is just Cause for this House to relieve him.

Mr. Hollis,

Mr. Strode,

Sir Walter Earle,

Sir William Massam,

Sir Edward Ascougb,

Mr. Rowse,

Sir Francis Seymor,

Sir Hugh Cholmley,

Sir William Litton,

Sir Oliver Luke,

Sir Henry Anderson,

Sir Thomas Roe,

Sir John Hotham,

Sir Peter Hayman,

Sir Miles Fleetwood,

Sir Edw. Hungerford,

Sir Edw. Deering,

Sir John Evelyn,

Mr. Selden,

Sir Nevil Poole,

Mr. Kirton.

A Committee ordered to take into consideration the Petition exhibited here against Mr. Serjeant Hyde, and Mr. George, two Members of this House, to examine the State of the whole Business, and to report it to the House; and has Power to send for Parties, Witnesses, Papers and Records, or any other thing that may conduce to the business, and are to meet this Afternoon at Two of the Clock in the *Exchequer-Court*.

Wednesday

Wednesday Morning is appointed to hear and consider of the State of all those Delinquents that are now in the Serjeant's Custody.

That a Committee of Sixty be appointed to meet with the Committee of Thirty of the Lords, concerning a Message sent hither on *Friday* last from their Lordships, touching a Message sent formerly from this House to them by Mr. Pym, for the Examination of their Members in the Accusation of the Earl of *Strafford*, and touching a free Conference concerning the last Point of that Message, *That some of the Members of this House should be present at the Examination of Witnesses to be propounded by this House to be examined in the Accusation of the Earl of Strafford.*

The Petition of several of the *Knights, Citizens, and Burgeses of the Commons House of Parliament in Ireland*, directed to the Honourable House of Commons in *England*. As also a Petition to the King, from the House of Commons in *Ireland*, both read.

The *Two Gentlemen*, Mr. *Jo. Bellew*, and Mr. *Ol. Castle*, who brought over those Petitions, were called in, and demanded by Mr. *Speaker* several Questions.

Mr. *Pryn* being brought up by a former Order, was called in, and the Petition which was exhibited here in his Behalf by one *Brown* his Servant, he desired he might have a Copy of, and Liberty either to enlarge the same, or to bring a new one on *Wednesday Morning*; which was granted.

Mr. *Burton* was likewise called in, and had like time granted him till *Wednesday Morning*, either to alter a Petition formerly exhibited to this House, or to bring in a new one subscribed by his own Hand.

Ordered, That Sir *William Uvedall*, by Order of this House, shall receive the Sum of Fifty Thousand Pounds; that is to say, Twenty-five Thousand Pounds from the City of *London*, and Twenty-five Thousand Pounds from Mr. *Harrison*, and shall give his Acquittance to them respectively for those several Sums; and having received the Money, shall convey it to *Rippon*, and there dispose of it according to such Order and Direction as this House shall set down.

And it is further Ordered, That for the Moneys allotted to the King's Army, he shall take such reasonable Fees as are allowed him by his Patent; and for the Moneys allotted to the Relief of the *Northern Counties*, he shall present a Bill for his Charges, or conveying of it, and have such Allowance as this House shall think fit; and for his Discharge of the Payment of those Moneys, he shall take the Acquittances of the *English Commissioners* there, Sir *William Bellasis*, Sir *John Conyers*, Sir *William Lambton*, and Mr. *Gerrard Salvin*, or any two of them.

Resolved upon the Question, That the Lord General be desired by a Message from this House, to remove all Commanders, and other Officers in the Army in the *North* which are *Papists*, or justly suspected to be *Popish*, and to put Protestant Commanders and Officers in their Places.

Resolved upon the Question, That some Honourable Person, a Member of this House, be desired to move His Majesty, *That all Commanders and other Officers in any Town or Garrison, that are Papists, or justly suspected to be Popish, may be removed; and that Protestant Commanders and Officers may be put in their Places.*

16 Caroli.

Delinquents.
A Conference about examining of Witnesses in the Case of the Earl of *Strafford*.

Petition from some Members of the Parliament in *Ireland* read.
Mr. *Bellew* and Mr. *Castle* avow the Petition.

Mr. *Pryn's* Petition.

Mr. *Burton's* Petition.

Sir *William Uvedall* to receive 50000*l*.

Sir *William Bellasis*, Sir *William Lambton*, &c to give Acquittances for the *Northern Moneys*.

Commanders that are *Papists* in *Garrisons*.

An. 1640.

Reformadoes
in the Army
in unnecessary
Charge.To be paid
to December
the 8th.

December 1.

Privilege of a
Member.Act against
Abuses in Ec-
clesiastical
Courts.Act for Dur-
ham to have
Members.Mr. Glyn's
Report con-
cerning Se-
cretary Win-
debank.

Resolved upon the Question, That the Earl of Crauford's Troop, and those other Officers in the Army that go under the Name of Reformadoes, are an unnecessary Charge, and fit to be spared, and that my Lord General be moved by Message from this House therein.

Resolved, That those Companies, or other Officers that shall be thus Cashiered by the Lord General, shall be paid to the Eighth of December next.

December 1. 1640.

Mr. Owen being Yesterday to answer a Petition exhibited against him by Mr. Jenkins, Merchant, complaining that he protected one Poyer, who was none of his Menial Servant, nor within his Privilege; Mr. Owen openly avowed that he was his Servant, necessarily employed in his Service; yet notwithstanding as touching this Matter he would wave his Privilege.

A Bill for Reformation of Abuses in Ecclesiastical Courts, read the first time.

A Bill, That the County Palatine of Durham shall have Knights, Citizens and Burgesses to serve in the House of Commons; read the first time.

That no Warrant do issue forth for a new Writ, to Elect a Knight for Bedfordshire in the Stead of the Lord Wentworth, Son to the Earl of Cleveland, called by Writ to the Lords House, till Mr. Burgoins Election be determined.

That a Committee be appointed to take into Consideration the Question of Election between Mr. Burlacy, and Mr. Hobby, with the Circumstances, and are to meet on Thursday at Two of the Clock in the Afternoon in the Exchequer-Chamber.

Mr. Glyn Reports from the Committee for enquiring after Papists:

I Am first to report upon the Examination of the Keepers of two Prisons only, Newgate and the Clink; and of two Messengers usually employed for the apprehending and attaching of Popish Jesuits. They find 64 Priests and Jesuits discharged in one Year, some indicted, some convicted of High Treason, but all of them Priests; some discharged by Privy Signet, others by Warrants from the Lords of the Council, but most of them by Warrants from one of the Secretaries of State, by Name Secretary Windebank. They found upon Examination of the Clerk of the Peace for Middlesex, the Clerk of the Crown in the King's-Bench, and one Mr. Pulford, That there have been within the Compass of Seven or Eight Years, 74 Letters of Grace. True, we have not all the Originals of those Letters of Grace, but only have them certified to us out of the Records where they were entered; but some of the Originals I have now in my Custody. The Nature of these Letters of Grace is this; they are directed to Archbishops, Bishops, Judges, and all other the King's Officers, and the Effect is to stay all Proceedings against the Persons therein named. The Committee do find upon Examination of Two Messengers, Francis Newton, and Gray, that a Warrant was granted under Mr. Secretary Windebank's Hand, to protect one Muskett a condemned Priest, and all such Houses as he should frequent.

This is proved by Gray and Newton, who saw such a Warrant in Muskett's Hand. This Observation is made of these many Warrants and Discharges of Priests and Jesuits, That very few appear to be under the King's own Hand, and of them not any one but at the request of Foreign Ambassadors, and the Queen-Mother, and commanding strictly that the Messenger shall see them go out of the Kingdom; such is his Majesty's Care; and here I speak it, to clear

clear His Majesty. Only there is one Mosse discharged under the King's Hand by Misinformation; for the King was informed he was only indicted; whereas indeed he was convicted. Other Warrants there are under the Hands of the Lords of the Council, and to each Warrant, except one, an Archbishop's Hand. And the Committee finds, that of these Warrants to discharge Priests and Jesuits, Twenty-nine of them are under Mr. Secretary Windebank's Hand, and the very Originals of most of them we have here.

I am commanded to descend to particular Circumstances. Amongst these Warrants, one Carrell, a secular Priest, a Prisoner 30 Years, is commanded by a Verbal Warrant to be set at liberty by Mr. Secretary Windebank; this was to the Keeper of the Clinck. There was one a Dominican Fryar, and by verbal Warrant to the Keeper of the Clinck, Mr. Secretary Windebank commanded him to set him at Liberty, and he would warrant him. And he said to Gray, if he meddled with him he would lay him by the Heels. And this Fryar by a verbal Warrant was discharged, and did tell the Keeper he was employed about Matters of State, and that Secretary Windebank did know of it. One Edward Moore a Priest, committed by the King's own Hand, was discharged by Mr. Secretary Windebank's Warrant, without mention of the King's Pleasure.

There was one Thomas Holme discharged by the King's own Command, Commanded to be Shipped, and this Fellow returning again into the Kingdom, and taken the second time, was discharged by Mr. Secretary Windebank.

There was one Mosse condemned for a Jesuit, and for seducing the King's People from the Religion now professed; and another called Jo. Southworth, likewise a Priest, who were both discharged by Mr. Secretary Windebank. 15 Martii, 1639, The Parishioners of St. Giles's did humbly petition the Lords of the Council, (I have the Petition my self) and setting forth the increase of Papists in their Parish; they did instance in particular of three Priests, (whereof Southworth and Mosse were two) that went about to seduce the People of that Parish, and had seduced 21 by Name, and therefore did humbly pray the Lords of the Council to suppress these Priests. Their Lordships gave Order to prosecute them. Newton got both these Priests convicted of High Treason, and both of them were discharged by Secretary Windebank. Besides, there were 14 Priests and Jesuits discharged out of Newton's and Gray's Custody, by Mr. Secretary Windebank, who testify that one Smith a Priest, called Gunpowder Smith, was Bailed by Secretary Windebank, and had a Note under his Hand, that no Man should Attack or Trouble him. And the Committee commanded me to inform the House, That these are thus discharged without any Expression of the King's Direction in any of the Warrants.

One Threshold a Messenger having Warrant to apprehend a Priest, repaired to Mr. Secretary, to the end Gray might be employed. The Secretary answered he would lay him by the heels, if he kept Gray Company. These Men were discountenanced by the Secretary; one Goodman a Priest committed to Newgate, and being upon his Warrant discharged, Threshold the Messenger demanded his Fees; and there being some Difference about it, Mr. Read his Secretary writes to the Priest:

Gentlemen,

MR. Threshold hath spoken with Mr. Secretary, and his Honour thinketh fit you pay the Fees you agree on, for it will be a means to keep you the more free hereafter from Trouble. So resting

Your Loving Friend to serve you,

Robert Read.

Birkett

16 Caroli.

An. 1640.

Birkett a Messenger, had in Custody one Popham a Priest, and was to bring him before the Lords ; but Mr. Secretary Windebank commanded the Messenger to let him go, and he would see him forth-coming ; but to this Day he never heard more of the Priest, though he Petitioned, &c.

There is another Passage I am commanded to deliver unto You, that is, a Petition referred to his Majesty by one George Perrot, a Man condemned of High Treason, in his own Name, and in the Behalf of four Priests and Jesuits more, styling themselves his Majesties most Loyal Subjects. Upon this bold Petition, by signification under Mr. Secretary Windebanke's Hand, Proceedings against them were stayed.

There were 64 Letters of Grace to stay Prosecution against Papists, directed to several Counties, to several Judges ; short Entries of these Letters are made in the Signet Office, testified by one Mr. Pulford, Gray, and Smith, who affirm that the Secretaries House is the Place of resort for Priests and Jesuits. That in 13 Years time from 3 Caroli, there hath been but 4080l. levied on Recusants South of Trent, by vertue of Process out of the Exchequer, as appears by Certificate under Mr. Long's Hand. For the Discharges of Priests and Jesuits, not one of them standeth with the Rule of Law. When they are Indicted and Convicted, the King, the Fountain of Justice and Mercy, (and the Law doth allow it,) hath Power to shew Mercy upon any of his Subjects ; but in such Cases the King's Prerogative speaketh by his Privy-Seal, Signet, or Great Seal, and ought to discharge by Record ; but to send signification of Pleasure, is against Law. For a Minister either verbally, or by Warrant under his own Hand, not only to discharge Men condemned, but to command no further Prosecution, is against Law, and the Committee doth conceive he doth not discharge his Duty. Then for the Letters of Grace, the Poor is wronged ; for by the Act they are to give 12d. a Sunday to the Poor ; by these Injunctions the Recusants are kept from being Convict, and the Poor lose their Due. This is the Substance of the Report I am commanded to make unto you.

Secretary
Windebank's
Letter read.
A Letter of
Grace.

Then a Letter was read from Secretary Windebank to the High Sheriff of Suffex ; and

A Letter of Grace obtained from his Majesty by the Mediation of the Queen-Mother, directed to the King's Attorney-General, and his Successors, for exempting Sir Henry Beddingfield, and his Family from the Danger of the Laws made against Recusants, was likewise read.

Recusants.

The said Petition of George Perrot, Gent. a Roman Catholick, To the King's most Excellent Majesty, on his own Behalf, and on the Behalf of Four other Roman Catholicks, read.

A Warrant under the King's own Hand for the Commitment of Edward Moore, Romish Priest, to the Prison of the Clinck, and a Warrant to the Keeper of the said Prison for his Discharge under Mr. Secretary Windebank's Hand, read.

Recusants.

The humble Petition of the Parishioners of St. Giles in the Fields, concerning the great Increase of Recusants within their Parish, and of many that have been seduced to the Roman Religion within these Few Years, read, and referred to the Committee to enquire after Papists, &c.

A Message from the Lords by Baron Trevor and Judge Bartley.

Message for a
Conference
concerning a
free Conference.

THE Lords have sent us to this House, to desire a present Conference in the Painted Chamber, with the same Committee that was concerned in the Matter of the free Conference Yesterday.

Answer.

Answer returned by the same Messengers, *This House hath taken into Consideration the Message of the Lords, and they return this Answer, That they will give a meeting presently, as is desired.*

16 Caroli.
Answer to
the Message.

There were four Petitions delivered in by a Member of this House, which were likewise preferred the last Parliament, and it was desired they might now be referred to the same Committee they were then; and it was done accordingly.

Four Petitions last Parliament referred.

Robert Horwood was called in, and produced a Letter sent unto him under Secretary Windebank's Hand, which was read, enjoining him to *surcease any further Prosecution of the Law against Recusants*; he was demanded the same Questions he was formerly, and he gave the same Answers unto them.

Robert Horwood called in.

Ordered, That Mr. Secretary Windebank shall to morrow Morning give Answer to such Questions as shall be propounded unto him upon several Informations delivered in here against him; and he is to have notice of it in the mean Time.

Secretary Windebank.

The whole business concerning Robert Horwood, and the Charge against Secretary Windebank, and the preparing of an Act against Recusants, is referred to the Committee that was appointed for enquiring after Recusants.

Recusants.

The preparing of an humble Remonstrance to his Majesty, and the Consideration of the Pope's pretended Nuncio, are referred to the Committee of 24; formerly named, to draw up a Representation of the Estate of the Kingdom.

Pope's Nuntio.

Mr. Selden,

Mr. Rigby,

Mr. Lane,

Mr. Palmer,

Mr. Whitlock,

Mr. Prideaux,

Mr. Peard,

Mr. White,

Sir Thomas Widdrington,

Mr. Pelham,

Sir Robert Harley,

Mr. Bagshaw,

Mr. Lind,

Mr. St. Johns,

Addition to
the Committee for Recusants.

These are added to the Committee for Recusants.

Mr. Pym Reports from the Conference this Day, That the Lords Committees with whom we had a free Conference Yesterday, took the matter into consideration, and their Resolution is expressed in an Order, *viz. That such Members of the House of Commons as the Commons shall make choice of, shall be present from time to time at the preparatory Examination concerning the Earl of Strafford.*

The Lord Keeper expected we should say something. We told them we had no Warrant, for a Conference was desired concerning the Matter of free Conference, and that a free Conference was not desired. The Question they would have been satisfied in, was, Whether we did intend to have the Examinations taken publickly in the House, or by a private Committee? I answered, *We had no Commission for a free Conference.*

The same Committee that was appointed to draw up the Charge against the Earl of Strafford, are to be present at the preparatory Examinations of Witnesses before the Lords, to present such Questions unto the Lords, as they shall think fit thereupon; and after a full Examination, to present the whole state of the Business to this House.

Preparatory Examinations.

A Message

An. 1640.

Message from
the Commons
to present
Witnesses.

To summon
Witnesses.

Report of the
Conference
for the Lords
Members to
be examined.

Mr. Chambers's
Petition.

Mr. Vassall's
Complaint.

Chambers and
Vassall.

Proportion of
Monies to be
paid.

Popish Com-
manders.

Mr. Halford of
Leicestershire
question'd for
scandalous
Words, and
Committed.

A Message to be sent to the Lords, to acquaint them, That this House is ready by some Members of this House to present divers Witnesses to be examined, and such Questions as they shall desire them to be examined upon; and to desire that those Witnesses so propounded by them, may be all examined one after another with speed and secrecy.

Power is given to the Committee that is to be present at the preparatory Examinations of Witnesses before the Lords, to summon such Witnesses to be examined to Morrow, as they shall think fit.

Mr. Maynard Reports from the Conference yesterday, That the Lords said they had taken the Message into Consideration sent by Mr. Pym, some things were resolved, others not; and for that Purpose desired a free Conference. Whereas we did desire to examine some Members of this House, they were ready to examine them when we should require. And they answered, That the Peers of their House that shall be desired, shall be examined, and all the Assistants of that House, when they shall be thereunto required, shall be examined upon Oath; and next, for the Time and Secrecy, they said they should be speedily examined, and the Examinations secretly kept.

A Copy of the humble Petition of Richard Chambers, London, Merchant, delivered formerly into this Court in former Parliaments, and now read, complaining of his Sentence in the Star-Chamber, 4 & 5 Car. and of the Barons in the Exchequer, denying him the Benefit of a Replevin for his Goods seized at the Custom-House.

After this Petition was read, Mr. Vassall, a Member of this House, delivered his Grievances by Word of Mouth, much of the same nature as those complained of in Mr. Chambers his Petition, as to the Court of Exchequer; whereupon a Committee was appointed to take into Consideration Mr. Chambers's Petition, and the Complaint of Mr. Vassall, and has Power to send for Parties, Witnesses, Papers, Records, or any thing else that may conduce to this Business, and are to meet on Friday at Two of the Clock in the Afternoon in the Exchequer-Chamber.

The House being now full, it was Ordered according to the desire of the City of London, and Mr. Harrison, That upon the Collection of the 100000 l. to be raised by Act of Parliament for the Relief of the Army, and the Northern Counties, that the City of London shall receive the first 25000 l. with Interest out of the said 100000 l.

And this House doth further declare, That they do consent and agree to the payment of the Sum of 25000 l. to Sir William Uvedall, Knight, and do so order it.

Resolved, That the Popish Commanders and Popish Officers shall be continued in pay till the Money come down, and no longer.

Mr. Richard Halford, who was formerly complained of by a Petition to this House, for speaking scandalous Words against Sir Arthur Haslerig, as Knight of the Shire of Leicester, and upon that Petition sent for as a Delinquent by the Serjeant at Arms attending on this House, did this Day appear in this House; and after he had kneeled a while at the Bar, he was by Mr. Speaker bid stand up, and Mr. Speaker told him of the material Points of the Complaints express'd in the Petition; he denied little of it: Whereupon he was bid to withdraw, and it was by the House Resolved upon the Question, That the said Mr. Halford for this his Offence be forthwith sent to the Tower, and there to remain during the Pleasure of this House; and that he make an humble Submission, such as this House shall appoint, upon his Knees at the Bar here, and the like in the County of Leicester at the next General Assizes there. Mr. Halford was called in, and kneeling at the Bar, Mr. Speaker pronounced Sentence against him.

Mr. George Warner, Sheriff of the County of Warwick, who was formerly complained of in this House by a Petition exhibited from the Freeholders of the said County, subscribed by divers of them, upon which he was sent for as a Delinquent by the Serjeant at Arms attending on this House, did this Day appear here at the Bar; who after he had kneeled awhile, Mr. Speaker bid him stand up, and opened the Misdemeanors he had committed, in *refusing to go on with the Poll when it was desired*, at the Election of the Knights of the Shire for the said County; to which when he had answered, he was bid to withdraw; and it was by the House resolved upon the Question, That Mr. Warner for this his Offence be forthwith committed Prisoner to the Tower during the Pleasure of this House, and be fined 100*l.* to the King, and make a Submission here, such as this House shall appoint; and shall make the like at the next General Assizes in the County of Warwick. Mr. Warner was called in, and kneeling at the Bar, Mr. Speaker pronounced this Sentence against him accordingly.

Mr. Speaker informed the House, That at the Election of the Burgeses for Gloucester, he himself was nominated for one; and the Poll demanded, but it was denied. It was thereupon ordered, That it should be referred to the Committee for Privileges to be first considered of, when the Witnesses are come up.

Upon the Question for making void the Election of the Knights for the County of Warwick, Whether there should be two Questions made of it, or one? It was resolved there should be Two: Whereupon it was resolved upon the Question,

That the Election of Mr. Coomes, one of the Knights of the Shire for Warwick, is void.

That the Election of the Lord Compton for one of the Knights of the Shire for the County of Warwick, is void.

Ordered, A Warrant to issue forth under Mr. Speaker's Hand to the Clerk of the Crown, for a new Writ for Electing of Two Knights of the Shire to serve in this present Parliament for the County of Warwick.

The Serjeant at Arms is to present to this House to-morrow Morning, a Note of the Names of all such Prisoners as he hath in his Custody.

Ordered, That the Petition of the Gold-Wyer-Drawers, which now remains with the Committee for Grievances, be referred to the Committee for Trade.

Mr. Treasurer reports, That he had delivered what the House commanded him concerning the Garisons to the King; who answered, That he knows not of any Popish Commander in any Garison, whether Berwick or Carlisle, or in any other Forts. But he hath given Command to send to the Governors of both Garisons, and to return him the Names of all such Papist Commanders or Officers, if any be. And for my Lord Admiral, he returns this Answer, That as soon as possible he can, he will return an Answer in Writing.

That an Order be sent from this House to all the Justices of the Peace of Westminster, London and Middlesex, requiring and enjoining them to command the Church-Wardens and other Officers of the several Precincts, to present unto them the said Justices, the Names of the several Recusants within their Parishes, that they may be proceeded against according to Law, at the next Sessions, notwithstanding any Inhibition or Restraint.

The Serjeant at Arms has Leave given him by this House, to take Bail of the several Delinquents, (viz.) Richard Kilvert, Peter Wood, Doctor
Vol. IV. K Cosins,

16 Caroli.

Mr. Warner,
Sheriff of
Warwickshire,
sentenced for
denying the
Poll.

Sentence on
Mr. Warner.

The Poll de-
manded in
Gloucestershire,
refused.

Debate about
a Question.

Void Electi-
on.

Void Election.

A new Ele-
ction.

The Serjeant
at Arms pre-
sents the
Names of his
Prisoners.
Gold-Wyer-
drawers.

King's Answer
as to Papist
Commanders.

Recusants
Names to be
returned.

A Lift for
Bail of Pri-
soners.

An. 1640.

Cofins, Doctor Layfield, Alderman Abel, Mr. Wilson, Mr. Conrades, Mr. Horth, Sir Henry Spiller, and John Moore, after he has first presented the Names of their severall Bails to the House, and the Sums they are to be bound in, and that the House has allowed of them.

Message.

A Message was brought from the Lords by my Lord Chief Justice Littleton, and Judge Berkley.

Witnesses to be examin'd.

That according to a Desire of this House by a late Message, they have deputed certain of their Members to take the Examination of Witnesses in the Cause of the Earl of Strafford, which they will be ready to perform in the Presence of such Members of this House, as shall be deputed for that purpose.

Secretary Windebank sent for.

An Intimation was given to Mr. Secretary Windebank, That he should come hither presently, if it might stand with his Majesty's Occasions.

Answer was brought, That upon his Majesty's Occasions he sat up all last Night, and was newly gone to Bed; yet if the House would command him, he would presently come: But there was Order given, That the like Intimation might be given him to be here to-morrow Morning by Eight of the Clock.

To the Honourable the Knights, Citizens, and Burgeesses of the Commons House of Parliament.

The Humble Petition of *William Pryn*, late Exile, and close Prisoner in the Isle of *Jersey*.

In all Humbleness sheweth,

Mr. Pryn's Petition.

That your Petitioner, though not conscious to himself of any voluntary or apparent Offence against the Laws of the Realm (to which he ever studied to conform himself) through the malicious Practices and Prosecution of some Prelates and Churchmen, (especially the now Archbishop of *Canterbury*, and *Peter Heylin*, Doctor in Divinity) whose Errors and Innovations, contrary to the Established Doctrine and Discipline of the Church of *England*, and Extravagancies in the High Commission, and other Ecclesiastical Courts, your Petitioner for his own Relief, (being there unjustly persecuted) had to his weak Power oppugned; hath within Eight Years last past, undergone two heavy Censures in the *Star-Chamber* Court.

The first, upon an Information there exhibited against your Petitioner by Mr. *Noy*, deceased, then Attorney-General, for some misconstrued Passages, (inoffensive in themselves, and in your Petitioner's true Intention, being for the most part the Words of other approved Authors) comprised in a Book, stiled *Histrionastix*, written by the Petitioner against common Interludes, and licensed for the Press by Mr. *Thomas Buckner*, Household Chaplain to the then Archbishop of *Canterbury*, authorized by the State to license Books, and by him exactly perused, and approved both in the Written and Printed Copy, before its Publication, and so confessed in the Information; for which authorized Book and Passages, your Petitioner, before the hearing of the Cause, was not only Imprisoned in the *Tower* of *London* without Bail or Mainprize for a whole Year's Space, denied Access to his Council, convenient Time to

examine Witnesses, and make Breviates to instruct his Council (the Information being General, and reciting no particular Clauses of the Book excepted against) his Exhibits, (the only Means of his Defence) illegally suppressed: Some of his Council tampered with to make no Justification, contrary to your Petitioner's Instructions and Desire, whereby his Cause miscarried; but also at the Hearing, by reason of those malicious and perverse Glosses on the said Passages, which the said *Heylin* had collected and presented to his Majesty's Learned Council, (who repeated his Instructions only) your Petitioner was fined 5000 Pounds to his Majesty, Expelled the University of *Oxford*, and *Lincolns-Inn*; Degraded, put from his Profession of the Law, wherein he never offended; set in the Pillory in the *Palace-yard* at *Westminster*, where he lost one of his Ears; and Three Days after on the Pillory in *Cheapside*, where he lost the other Ear, and had his said Licensed Books there publicly burnt before his Face by the Hangman, in a most disgraceful manner; and was adjudged after all this, to remain a Prisoner during his Life.

That after the said Censure, to defame and injure your Petitioner the more, he was charged wrongfully in the Decree, as censured for Perjury, though not taxed for it by the Court; and between his sufferings in the Pillory, the Books of his Study, (twice surveyed, and restored to him by Order from the Lords) before any Fine estreated, by a Warrant out of the High Commission, signed by the said Archbishop and others, was seized on by *Cross* a Messenger, who carried them to his House: With which Warrant your Petitioner, not long after, charging the said Archbishop upon Occasion, in the open Court of *Star-Chamber*; he there publicly disavowed the same (though your Petitioner can yet produce it under his own Hand) promising withal, that the Books should be restored forthwith; which notwithstanding were all still detained by his Means, till they were extended and sold for your Petitioner's Fine: Who shortly after, by an indirect Order procured out of the said Court, sent to the *Tower* to be executed, was shut up close Prisoner; and *Dr. Reeves* sent thither to search his Chamber for a Pamphlet, which the said Archbishop would wrongfully have fathered upon your Petitioner, whose Friends have been unjustly prosecuted in the *Exchequer* and elsewhere, sundry Years, for his Fine aforesaid.

And your Petitioner further saith, That about *Easter* was three Years, during his Imprisonment in the *Tower*, by means of the said Archbishop, a new Information was exhibited in the said Court against your Petitioner and others, with certain Books thereto annexed; denying the Prelates Jurisdiction over other Ministers to be *Jure divino*, charging them with many Errors and Innovations in Religion, Usurpations upon his Majesty's Prerogative, and the Subjects Liberty, Abuses and Extortions in the High Commission, and other Ecclesiastical Courts; suppressing Preaching and painful Ministers without Cause, Licensing Popish, *Arminian*, and other erroneous Books against the *Sabbath*; setting up Altars, Images, and Crucifixes; removing and railing in Communion Tables, and bowing down to them; and altering the Book of Common-Prayer, the Books for the Gunpowder-Treason and late Fast, in some material Passages in Favour of Popery and Papists; which Things (tho' very notorious, and oft complained of by this Honourable House, in former and late Parliaments) were yet reputed scandalous; and tho' neither of the said Books was particularly charged on your Petitioner in the said Information, nor any Witness produced to prove him either Author,

An. 1640.

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or Despiser of any of them; yet by denying your Petitioner Liberty to draw up his own Answer, (tho' once a Barrister at Law) when as his assigned Council refused to do it; by close imprisoning your Petitioner and his Servant, by debarring him Pen, Ink and Paper, whereby to answer or instruct his Council; searching his Chamber, and taking away Part of his Answer there found; denying him Access to his Council, and Conference with his Co-defendants, even at Council, though jointly charged with him; rejecting the Cross Bill exhibited by him for his Defence; threatening Mr. *Holt*, one of your Petitioner's assigned Council, sent by the then Lord-Keeper to the *Tower* to draw up your Petitioner's Answer, and commanding him not to sign it after it was engrossed: (Whereupon he refused to subscribe it, contrary to his Promise to your Petitioner) and by refusing to accept your Petitioner's Answers to the said Information, signed with his own and Mr. *Tomlin's* (another of his Councils) Hands, though tendred by your Petitioner both at the *Star-Chamber* Office, and in open Court at the hearing the said Information, for a supposed Default of Answer, (tho' Two Answers were thereto tendred by your Petitioner) was taken *pro confesso* against your Petitioner, and he thereupon was fined Five Thousand Pounds to his Majesty, pillory'd, stigmatized on both Cheeks, mutilated and dismembred in a most barbarous manner; and the small Remainder of his Ears, left after his first Execution, cut off, to the Hazard of his Hearing and Life, and adjudged to perpetual close Imprisonment in the Goal of *Carnarvan* Castle in *North Wales*, a nasty Dog-hole, far remote from your Petitioner's Friends. Which Sentence was unduly drawn and executed upon your Petitioner, (as his Attorney's Clerk informed him) before it was entred into the Book, or your Petitioner could get any Copy of it to except against the same, as he had just Cause.

That immediately after the Execution of the same Sentence, your Petitioner sent to the said Archbishop to desire him to release, or bail his Servant, (who was detained close Prisoner for Ten Weeks Space in the Messenger's Hand, and oft examined and solicited by fair Promises and Threatnings causlessly to accuse your Petitioner, against whom they wanted Evidence) that so he might attend him during his Sores: Which the said Archbishop, out of his Grace and Charity, utterly refused; saying, That he intended to proceed against his said Servant in the High Commission; where he hath ever since vexed, censured, and banded him from Prison to Prison, only for refusing to accuse and betray your Petitioner.

That notwithstanding the said heavy Sentence, your Petitioner by an Order in the said Court, (by way of Addition to the said Censure) was inhibited the Use of Pen, Ink and Paper, and all Books, except the Bible, and the Book of Common-Prayer, and some Books for private Devotion; and before his Wounds were perfectly cured, he was by Order removed from the *Tower* to *Carnarvan*; and some of his Friends in *Chester*, who visited him there in his Passage, in the Presence of his Conductors, who had no Order to restrain any Person from resorting to him, were for this very Cause sent for by a Messenger, to appear before the Lords of the Privy-Council; and likewise cited in the High Commission at *York*, where they were imprisoned, fined, and forced to make a publick Recantation in the Cathedral Church, and in the Town-Hall of *Chester*: The said Commissioners further decreeing, That Five Pictures of your Petitioner's found in *Chester*, should be publicly burnt at the High Cross there; which was done accordingly.

That



‘ That your Petitioner, since his said Sentence, hath been publickly  
 ‘ reviled at, and libelled against, both by the High Commissioners at  
 ‘ York, and in sundry Churches, both at *Chester* and elsewhere, and in  
 ‘ divers licensed printed Books, compiled by the said *Heylin*, and publish’d  
 ‘ by the Archbishop’s Privy or Command; and that sundry of his  
 ‘ Friends Houses and Studies have been violently broken up, and ran-  
 ‘ sack’d, their Books and Writings taken away, and themselves prosecuted  
 ‘ in the High Commission, out of Malice, for the Relation they had to  
 ‘ your Petitioner.

‘ That after your Petitioner had continued some Ten Weeks Space  
 ‘ close Prisoner in *Carnarvan*, he was about Three Years since, by a War-  
 ‘ rant from the Lords of the Council, made in the Summer Vacation,  
 ‘ (to which the said Archbishop’s Hand was first prescribed) ordered by  
 ‘ way of Exile, to be embarked and transported with all Privacy into  
 ‘ one of the Castles in the Isle of *Jersey*; and his Conductors thereby  
 ‘ charged not to admit any Person whatsoever, but themselves only, to  
 ‘ speak with your Petitioner in his Passage: Whereupon, after some Inju-  
 ‘ ries there received by Mr. *Griffith*, the King’s Attorney in those Parts,  
 ‘ (who endeavoured to seize upon the Furniture of his Chamber for his  
 ‘ own Use) your Petitioner was embarked among Papists in a bruised  
 ‘ Shipwreck’d Vessel, full of Leaks; and after Fourteen Weeks Voyage  
 ‘ in the Winter Season, through dangerous Storms and Seas, which  
 ‘ spoiled most of his Stuff and Bedding, and threatned often Shipwreck  
 ‘ to him, he arrived at the said Isle, and was conveyed close Prisoner  
 ‘ into *Mount Orguile* Castle there, where the Lieutenant-Governor, by  
 ‘ another extrajudicial Order (to which the said Archbishop’s Name was  
 ‘ first) was ordered to keep your Petitioner close Prisoner in a Chamber;  
 ‘ to suffer none but his Keepers to speak with him; to intercept all Let-  
 ‘ ters to him; to permit him neither Pen, Ink nor Paper, either to write  
 ‘ to his Friends for Necessaries, or to petition for Relief; and to permit  
 ‘ him no Book but the Bible, and those forenamed Books, without giving  
 ‘ any Order for his Diet there: So that being deprived of his Calling  
 ‘ and Estate, exiled and shut up close Prisoner among Strangers, remote  
 ‘ from all his Friends, and denied all Access to him by Person or Letters,  
 ‘ he had certainly perished in his almost Three Years close Imprison-  
 ‘ ment there, had not the extraordinary Providence and Goodness of  
 ‘ God (which he shall ever adore) and the noble Charity of those,  
 ‘ under whose Custody he did remain, furnished him with such Diet and  
 ‘ Necessaries, as preserved him both in Health and Life, in this his close  
 ‘ Imprisonment and Exile.

‘ May it therefore please this Honourable House, to take these your  
 ‘ Petitioner’s almost Eight Years tragical Grievances, (of new and  
 ‘ dangerous Example) into your most sad and just Considerations,  
 ‘ that so they may not become Precedents to the Prejudice of Poste-  
 ‘ rity; to grant him Liberty to send for, and examine all necessary  
 ‘ Witnesses; to order all Clerks, Registers, and other Officers of  
 ‘ the *Star-Chamber*, or elsewhere, speedily and freely to grant him  
 ‘ the Copies of such Orders, Decrees and Writings, as his Cause shall  
 ‘ require, to release him upon Bail, (being now but a Prisoner only  
 ‘ upon an extrajudicial Order of the Lords, and not by vertue of  
 ‘ any Sentence or Decree in Court) to grant him Liberty to plead  
 ‘ and prosecute his own Cause, since Council hath so often failed him;  
 ‘ and to give him such Satisfaction and Relief, as the Justice and Equi-  
 ‘ ty of his Cause shall merit. And your Petitioner shall ever pray, &c.

William Pryn.

The

16 Caroli.



An. 1640.

The Petition  
of Henry Bur-  
ton, delivered  
after his Re-  
turn from  
Exile.

The humble Petition of Henry Burton, late Exile, and close Prisoner in Castle-Cornet, in the Isle of Guernsey.

In all Humbleness sheweth,

**T**HAT whereas your Petitioner, on the 5th of November, 1636. did preach Two Sermons in his own Parish-Church, in St. Matthew's Friday-street; for the which he was in December then next following summoned to appear before Dr. Duck, one of the Commissioners for Causes Ecclesiastical, at Chiswick in the County of Middlesex, where (with the Register of the High Commission Court) the said Dr. Duck tendred to the Petitioner the Oath Ex Officio, to answer to certain Articles there presented: Which Oath the Petitioner refusing to take, did then and there appeal from the said Court unto the King's Majesty; which Appeal the said Register by Dr. Duck's Direction, did then and there enter in Writing.

Notwithstanding which said Appeal, a special High Commission Court was shortly after called at London, consisting of 4 or 5 Doctors, where the said Commissioners proceeded illegally to suspend the Petitioner in his Absence; by means whereof, as of the Threatnings of the said Commissioners, he was enforced to keep his House, until a Serjeant at Arms, with divers Pursuivants and other Armed Officers, assisted by Alderman Abel, then Sheriff of London, beset the Petitioner's House at 11 of the Clock at Night, and violently broke open his Doors with Iron Crows, and the like, and surprized him in his House, he making no Resistance at all: Where having first searched his Study, and taken away such Books as they pleased, they carried your Petitioner to Prison; whence the next Day (being the 2d of February) by a pretended Order from the Lords of the Council, he was conveyed to the Fleet, and there kept close Prisoner: During which Imprisonment an Information was exhibited against your Petitioner, and others, in his Majesty's Court of Star-Chamber, whereby he was charged (inter alia) with the publishing of a certain Book, containing, An Apology for an Appeal, with his said Two Sermons, entitled, God and the King; wherein he taught Subjects to yield all due Obedience to their lawful King, and reprov'd all lawless Innovations in Religion, &c. To which Information the Petitioner, upon his Oath, under the Hand of Mr. Holt, being then of his Council, (assigned by special Order from this Court) did put in his Answer; wherein he alledged such things only, as his said Council conceived to be material and pertinent for his just Defence in publishing his said Book, but denied all other matters in the said Information contained: Which Answer, being admitted and received in Court, the Petitioner (being then a close Prisoner) not only attended the exhibiting of Interrogatories, according to the Custom of that Court, but withal, after some unusual Delay, did write unto the King's Attorney to hasten them; but before the Examiner came, the Petitioner heard that his said Answer was referred to Sir John Bramston, Knight, Lord Chief Justice of the King's-Bench, and Sir John Finch, then Chief Justice of the Common-Pleas, and was by them wholly expunged as impertinent and scandalous, (save only the Not guilty;) And the Petitioner understanding the Answer he was to make to the Interrogatories, was to be reckoned as a Part of his Answer admitted in Court, but afterwards expunged as impertinent and scandalous (as aforesaid) so as if he should then have answered the Interrogatories, he should thereby have assented to the said Act of the said Judges, and so to the Condemnation of his Cause before the Hearing, whereby he should have contradicted his former Oath, That his said Answer was a true Answer, and so should justly have brought



brought himself under the Guilt of wilful Perjury, and his Cause under just Sentence. 16 Caroli.

Nevertheless the Court taking the same Information (pro Confesso) and refusing to admit a Copy of the Petitioner's own true Answer, as also of his Reasons of not answering the Interrogatories, (both which at his Censure he tendered to the Court, desiring they might be then and there publicly read) the 14th of June, 17 Caroli Regis, proceeded to censure, whereby your Petitioner was censured in a Fine of 5000 l. to his Majesty, to be deprived of his Ecclesiastical Benefice, degraded from his Ministerial Function and Degrees in the University, and ordered to be set on the Pillory, where both his Ears were to be cut off; confined to perpetual close Imprisonment in Lancaster Castle; debarred the Access of his Wife, or any other, to come to him, but only his Keeper; and denied the Use of Pen, Ink and Paper. All which (except the Fine) was executed accordingly; and after his close Imprisonment for 12 Weeks in the common Goal in the said Castle, he was (by what extrajudicial Order he knows not) transported by the Conduct of one Brian Burton, appointed by the High-Sheriff of Lancaster, (who used your Petitioner very basely and deceitfully in that his Transportation, which was in the Winter-Season through dangerous Seas, to the apparent Hazard both of his Health and Life) to the Castle of Guernsey, where he hath remained a close Prisoner and Exile almost Three whole Years; his Wife utterly prohibited, upon pain of Imprisonment, to set her Foot upon any Part of the Island, where she might but enquire how her Husband did, contrary to the Laws of God, and the Liberties of this Kingdom.

May it therefore please this Honourable House, to take your Petitioner's sad Cause into Consideration; and for the better Manifestation of his Grievance in this Cause, to assign him for Council Mr. Serjeant Atkins, Mr. Tomlins, and Mr. Gurdon, to assist him in his Cause, and to command that he may take out such Copies Gratis out of the said several Courts, as do or may concern his said Cause.

And your Petitioner, as in Duty bound,  
shall daily pray for your Prosperity.

Henry Burton.

The Humble Petition of John Bastwick, Doctor in Physick,  
lately retained close Prisoner and Exile, in the Isle of  
Scilly.

Most humbly sheweth,

**T**Hat your Petitioner having, about Six Years since, set out a Book in Latin, called, Elenchus Religionis Papisticæ, with an Addition thereunto, called, Flagellum Pontificis, & Episcoporum Latialium, being thereunto provoked by one Richard Short, a Papist, that maintained the Pope's Supremacy, the Mass, and Papal Religion: In which Book your Petitioner (for preventing all Mis-interpretations of his pious and good Intentions therein) in his Epistle to the Reader, fully declared himself, that your Petitioner meant nothing against such Bishops, as acknowledged their Authority from Kings and Emperors; yet because your Petitioner (the better to shew the Papal Usurpation over other Princes) therein, only maintained by way of Argument (as other Orthodox Writers of that Subject have usually done) a Parity

The Petition  
of Dr. John  
Bastwick, late  
close Prisoner  
in Exile.



An. 1640.

Parity of the said Bishop of Rome, and all other Bishops and Presbyters, by the Word of God, denying his and their Supremacy over other Ministers, to be by Divine Institution; thereupon a Pursuivant by Authority from the High Commission Court, came into your Petitioner's House at Colchester in Essex, in his Absence: And the said Pursuivant, assisted with the then Bailiffs and Constables of Colchester aforesaid, ransacked his said House, together with his Chest and Trunks; and with great Violence broke open your Petitioner's Study, which was in his Apothecary's House, and took and carried away divers of your Petitioner's Books, Writings, Letters, and what else the Pursuivant pleased, without making Restitution of them to your Petitioner.

And then your Petitioner was prosecuted in the High Commission Court, principally for his said Book: Where after a long and chargeable Prosecution, he was the 12th of February, 1634, fined 1000 l. to the King, excommunicated, debarred to practise Physick, (the chiefest Means of his Livelihood;) his said Books ordered to be burnt; that he should pay Costs of Suit, and be imprisoned till he should make a Recantation: The which heavy Censure was only for the said Book, wherein your Petitioner maintained the Prerogative of the King against the Papacy. Whereas one Thomas Chowney of Suffex lately wrote a Book in Maintenance of the Papal Religion, and in Defence of the Church of Rome, and avers it to be a true Church; the which Book is dedicated to the Archbishop of Canterbury, and was, and is patronized and defended by the said Archbishop, and the said Chowney never troubled for it.

At which Censure, declared as aforesaid, all the Bishops that were then present denied openly, that they held their Jurisdiction from his Majesty; and affirmed, that they had it from God only; and the Archbishop of Canterbury, among many other erroneous Sayings uttered by him, maintained the said Chowney's Book, and that the Church of Rome was a true Church, and that it erred not in Fundamentals: And he, and other the said Bishops there, defamed the Holy Scriptures, and abused Reverend Mr. Calvin; in regard whereof, and for the vindicating your Petitioner's Innocency, in the Matters for which he was most unjustly censured as aforesaid; your Petitioner published in Print another Book in Latin, entitled, Apologeticus ad Presules Anglicanos: Expressing the Truth of the Proceedings and Speeches at his said Censure. For which last mentioned Book, and his Book called the Letany, (not then in Print) an Information was exhibited against him and others in the Star-Chamber; to which your Petitioner's Answer being drawn and engrossed, was only subscribed by himself, because he could get no Council to set their Hands to it; you Petitioner tendred the said Answer first at the Star-Chamber Office, and after in open Court at the Star-Chamber Bar; but it would not be accepted for want of Councillor's Hands to it, contrary to former Precedents. But the Court of Star-Chamber took the said Information pro Confesso, and censured your Petitioner 5000 l. Fine to the King, to stand in the Pillory, and lose both his Ears, and to be close Prisoner in Lancaster Castle in Cornwall: All which hath been executed upon him with great Extremity to the Peril of his Life. After all which Extremity, your Petitioner (by what Order he knoweth not, it being no Part of his Censure in the Star-Chamber) was transported from the said Castle to the Island of Scilly, a Place so barren, that it affords not ordinary Necessaries; where he hath been in close Durance for Three Years, or more, and not suffered to have any of his Friends come at him; his very Wife being prohibited by the Lords of the Council's Order, under Pain of Imprisonment, to set her Foot upon any Part of the Island to enquire of his Welfare; so that your Petitioner hath been exil'd from his Wife, and divers small Children, 3 Years and more, besides the great Straits and Miseries which he hath sustained during the said Time. All which is contrary to the Law of God



God and Man, and the Liberties of a free Subject, to the utter undoing of your Petitioner, his Wife and Children. 16 Caroli.

May it therefore please this Honourable Assembly, to take these pressing Grievances of your Petitioner into your Considerations, and to afford him such Relief therein, as in your Grave Wisdoms shall seem consonant to Justice and Equity: And to Assign him for Council Serjeant Atkins, Mr. Ludlow, Mr. Tomlins, Mr. Gurdon, and Mr. Randal, to assist him in this his Complaint, and to Order that your Petitioner may take out gratis, such Copies of the said Censures, Warrants and Orders, and other the Proceedings in the said several Courts, as shall or may any way concern this his sad yet most just Complaint, with a Warrant from this Honourable House to bring in his Witnesses.

And your Petitioner, as in Duty bound,  
shall ever Pray for your Prosperities,  
John Bastwick.

There were also presented and read in the House, the Petitions of Peter Leigh, of the City of Chester, Grocer, and of Richard Golburn of the said City, Gent. complainining, That they had been most severely and unreasonably sentenced in the High-Commission-Court at York, only for visiting Mr. Pryn in his Passage to Carnavan-Castle, going to be made a Prisoner there. And after they had been owned and avowed by the said Persons, there was a large Committee appointed to take all the aforesaid Petitions into Consideration. And they had Power to receive all Petitions of the like Nature, and to consider of the Jurisdiction of the High Commission Courts of Canterbury and York, and of the several Abuses committed in those Courts, or by any Judges or Officers of those Courts; and of the Court of Star Chamber. And they had Power to send for Parties, Witnesses, Papers, Records, or any Thing else that might conduce to the Business, and to assign and hear Council, and were ordered to meet the next Day at Two of the Clock in the Afternoon in the Star-Chamber.

Others who thought themselves grieved by the Court of Star-Chamber, appealed unto the House of Lords, as appears by the following Petition.

To the Right Honourable the Lords Spiritual and Temporal now Assembled in Parliament.

The Humble Petition of Lambert Osbaldeston, Clerk.

Humbly Sheweth,

THAT whereas one Walker and Cadwallader Powel, Two Servants of the Lord Bishop of Lincoln, subpoena'd to be made Defendants in a Third Information put into the High Court of Star-Chamber against the said Bishop of Lincoln, did to gratify the Lord Archbishop of Canterbury, and procure themselves free from the said Information, Combine and Conspire together to accuse your Petitioner. And thereupon did most unlawfully break up Hampers, and Rifle the Papers of their Lord and Master, then Imprisoned in the Tower, for Letters of your Petitioner written to the said Bishop, and intercepted other Letters so directed; and conveying all the said Letters to the Hands of Rich. Kilvert, did press and force the said Kilvert to

The Petition of Lambert Osbaldeston to the House of Peers, complaining of the Sentence in the Star-Chamber against him.



An. 1640.

shew them to the Archbishop, and put them into an Information against your Petitioner. And the said Walker did produce some Letters or Notes of his own Lord's, notwithstanding an expresse Commandment of Secresy therein contained: Whereby, together with his own disputing Testimony, he interpreted the said Letters contrary to the Petitioner's true Sense and Meaning; as he hath sworn several times upon his Oath.

And whereas, by this perfidious Combination of Walker and Powel, certain Words of Little Urchin and Hocus Pocus, as also of great Don and Leviathan, were by them, contrary to the Truth, as this Petitioner hath often sworn and deposed, applied to the said Lord Archbishop of Canterbury, and the Lord Treasurer Weston, a Noble Personage, that ever loved and favoured your Petitioner. And the Petitioner hath been heretofore Sentenced and Fined in the Star-Chamber. (The Lord Chief Justice Finch reading the same Sentence in a most severe and unusual manner): To be deprived and degraded of all his Spiritual Preferments, being 500l. per Annum; To pay a Fine of 5000l. to the King, and 5000l. to his Grace, when all his Means were taken away. And by that other Clause of the Sentence, to have his Ear nailed to the Pillory, in the Dean's Yard in Westminster, before the Scholars of that School, which he had so painfully and successfully bred up and taught; and to other ignominious Punishments beside.

Now forasmuch as this Sentence is beyond all Sentences of Death, and could never be prevented either by most humble Submission to his Grace before, or by a multitude of Petitions and earnest Requests made by the Petitioner and his Brother to his Grace, since the said heavy Sentence was pronounced by their unjust and undue Proceedings.

By supposing against Law, your Petitioner's Letters to have been Published by the Bishop of Lincoln; whereas there is not one Word in all the Books to prove that ever the said Bishop received them: And the Bishop denies it upon his Oath to his best Remembrance. Nor is any Man else ever charged to have seen them. And Walker having sworn, That the Bishop did so interpret them, dares not swear, being Interrogated on the King's Behalf, that ever the Bishop received them.

Because Damages of 5000l. is given to his Grace, being neither Plaintiff nor Relator in the Cause, by a kind of Compliment and Courtesy of the Lord Finch; though his Grace, nor any other Person ever saw or heard of these ignominious Compellations before they were thus produced.

For these great and high Concussions in the Prosecution of this Cause, the Petitioner humbly imploretb your Lordships Justice, That this grievous Sentence may be suspended until your Lordships shall have heard the Cause; His Freehold (which neither the one nor the other Court had any Cognizance of) may be forthwith Sequestred, Your Petitioner licensed to Prosecute these Grievances in Person; and the Cause directed to such a Course and Form of Proceeding, as shall seem most convenient to this Honourable Assembly.

And your poor Petitioner shall ever Pray, &c.

A Committee named to take into Consideration the Petitions of Mr. Pryn, Mr. Burton, Nathaniel Wickins, Mr. Pryn's Servant, Calvin Bruen, and Peter Leigh, and Golbourn of Chester.

Committees  
for Mr. Faunt.  
Military Af-  
fairs.  
E. of Kildare.

Ordered, That the particular Grievance of Leicestershire concerning Military Charges, be referred to the Consideration of that Committee that is appointed for Mr. Faunt's Petition.

Ordered, That the Earl of Kildare's Petition presented to the Grand Committee for Irish Affairs, be referred to the Sub-Committee for those Affairs.



Friday, Decemb. 4th, Ordered, That whosoever does not take his Place when he comes into the House, or removes out of his Place to the disturbance of the House, shall pay 12d. to be divided between the Serjeant and the Poor; and whosoever speaks so loud in the House when any Bill or other Matter is Reading, as to disturb the House, shall pay the like Forfeiture. And it is further Ordered, That the Business then in Agitation being ended, no new Motion of any new Matter shall be made without leave of the House.

A Bill concerning a certain Salt-Marsh, called *Moulton Common Marsh* in the County of *Lincoln*; Read the first time.

Ordered, That Mr. Secretary *Windebank*, be by Order of this House required to come hither presently; and if he himself cannot be met with, then the Messenger in Name of the House is to require Mr. *Robert Read* his Clerk presently to attend this House; and the Messenger is to enquire where Mr. Secretary now is, and when he was last at Home; and of all, he is forthwith to give an Account to this House.

Ordered, That those Members of this House that be appointed to be present at the Preparatory Examinations before the Lords, be required to declare, That by their Duty they owe to this House, they are obliged to keep all those Examinations Secret.

Those Eight appointed for that Service, did make all of them Protestations to that Purpose.

Ordered, That those Eight, or any Four of them, may be present at the Preparatory Examinations before the Lords.

A Message from the Lords by the two Lord Chief Justices:

*The Lords do desire a present Conference in the Painted Chamber, if it may stand with the Conveniency of this House, by a Committee of both Houses touching the great Business between the two Kingdoms.*

Answer returned by the same Messengers, *That this House has taken their Lordships Message into consideration, and will give them a present Meeting as is desired.*

Ordered, That the Serjeant at Arms shall forbear to take Bail of Doctor *Layfield* till the House shall take further Order in it: And it is further Ordered, That Doctor *Layfield* shall be heard to Morrow in the Afternoon at the Grand Committee for Religion.

Mr. Solicitor  
Mr. Hollys.  
Sir Jo. Wray.  
Mr. Selden.

Mr. Palmer.  
Mr. Maynard.  
Mr. Crew.

Are appointed Reporters of the Conference above-mentioned.

Resolved upon the Question, That this House does approve of the continuance of a Cessation of Arms between the two Kingdoms for a Month longer, viz. from the Sixteenth of this Instant Month of December, upon the same Terms it was formerly agreed upon, in Case the Treaty shall hold so long.

By order, to Morrow Morning is appointed peremptorily for the Debate of the Subjects Property, in their Goods.

Mr. Kirton.  
Mr. Ashburnham.

Sir Edw. Hungerford,  
Sir Edw. Bamton, &c.

16 Caroli.

Decemb. 4.  
Orders of the  
House.

Moulton Marsh.

Secretary  
Windebank.

Preparatory  
Examinations  
to be kept  
secret.

Protestations  
of Secresy.

Message for a  
Conference  
concerning  
the Treaty.

Dr. Layfield  
Delinquent.

Reporters.

Cessation of  
Arms.

Property.



An. 1640.  
100000 l.

Malton and  
Allerton resto-  
red to send  
Burgesses.

Rule concern-  
ing reading of  
Bills 2d time.  
Monopolies.

A new Electi-  
on for Bed-  
fordshire.

Watford Peti-  
tion read and  
referred.

Disposal of  
30000 l. for  
the Army, &c.

To Recover  
Sir Edw. Coke  
his Books.

Mr. Noye's  
Books.

French Wines.

And all the Knights for every County, are added to the Committee for preparing the Bill of Grant of 100000 l. and they are to meet this Afternoon at Two of the Clock in the *Exchequer-Chamber*.

*Saturday, Decemb. 5.* A Motion was made for *Malton and North-Allerton*, two Towns in *Yorkshire*, that have anciently sent *Burgesses to Parliament*, but for a long while have discontinued. It was desired it might be referred to the Committee for Privileges, to certify the State of the Matter upon View, and Examination of the Record.

Ordered, That no Bills have their *second reading*, but between *Nine and Twelve*.

Ordered, Mr. *John Moore*, and all the Merchants of the House, to be added to the Committee for *Monopolies*.

Ordered, A Warrant to Issue forth under Mr. *Speaker's* Hand for a new Writ for Electing of a Knight to serve for the County of *Bedford*, in the Place and Stead of the Lord *Wentworth*, summoned by His Majesty's Writ to the Upper House.

The humble Petition of divers Inhabitants in and about the Town of *Watford* in the County of *Hertford*, complaining of the Sheriff for rigorous levying of *Ship-Money*; read and referred to a Committee, except to those that have acted as Sheriffs, or as other Officers who have been employed in the *Levying of Ship-Money*; and this Committee is to take into consideration the Petition exhibited by the Inhabitants of the Town of *Watford*, against *Thomas Cunningsby*, Esquire, sometime High-Sheriff of the County of *Hertford*, for the rigorous *Levying of Ship-Money*; and has Power to receive all Petitions concerning *Ship-Money*, and to send for Parties, Witnesses, Papers, Records, &c. and are to meet on *Wednesday* in the Afternoon at Two of the Clock in the *Exchequer-Chamber*.

Ordered, That the Thirty Thousand Pounds allotted for the Relief of the King's Army, and now sent down by Sir *William Uvedall*, shall be by him disposed of according to my Lord of *Northumberland's* Warrant, which shall be a sufficient Discharge for the said Sir *William Uvedall*; and as for the Twenty Thousand Pounds allotted for the Relief of the *Northern Counties*, it is referred to the former Committee that is appointed to consider of the State of the King's Army, to prepare the Forms of *Acquittances* to be given to Sir *William Uvedall* by the English Commissioners in the North, for his Discharge for the Payment of these Monies.

The Committee for the King's Army are to meet this Afternoon at Two of the Clock in the *Exchequer-Chamber*.

Sir Henry Coke.  
Sir John Coke.  
Mr. Tho. Coke.  
Mr. Hyde.

Mr. Hatcher.  
Lord Falkland,  
Sir Simon d'Erves.  
Mr. Maynard.

or any Three of them, are to make Enquiry after such Books, Papers, and Manuscripts as have been seized from Sir Edward Coke or his Servant, and by what Authority, and by whom they were seized; and to present some Course or Method to the House for the recovery of them; and have Power to send for Parties, and Witnesses, or any Thing else that may conduce to this Business.

This Committee is likewise to take into Consideration the Enquiry after such Books as Mr. Attorney has received of Mr. Noye's.

The humble Petition of the Merchants Trading in *French Wines*, read.

Ordered,



Ordered, That Sir *Thomas Dawes* be forthwith sent for, to give an Account to this House why he does forbid the Landing of the Wines complained of in a Petition exhibited here from the Merchants Trading in *French Wines*.

16 Caroli.

Sir *Tho. Dawes*  
for Wines.

Mr. *Maynard*, who has the Chair at the Committee for Privileges, by leave of this House is dispensed with from being there this Afternoon, and the Committee is to appoint another to the Chair in his Place for this time.

Mr. *Maynard*.

Ordered, The whole Business concerning the Church of *St. Gregories* by *Paul's*, be referred to the Select Committee, with the Addition that is appointed for that Business, and they are to meet this Afternoon at Two of the Clock in the *Exchequer Court*.

St. *Gregory's*  
Church, a Day  
to meet.

A Petition from Mr. *Halford* read.

Resolved upon the Question, That Mr. *Halford*, now a Prisoner in the Tower, by Order of this House, shall be forthwith Discharged of his Imprisonment, performing the rest of the Order, according to a Sentence pronounced against him here.

Mr. *Halford*  
discharged.

Sir *William Pennyman*, and Sir *Richard Bullar*, have license to go and speak with the Earl of *Strafford* upon their own private Occasions; and in the open House they made their Protestations of discovering nothing unto him concerning the Business of the House.

Sir *W. Penny-*  
*man*, and Sir  
*Rich. Bullar*.

Monday Morning is peremptorily appointed for the Debate of the Subjects Property in their Goods. And it is likewise Ordered, That no other Business whatsoever shall then precede this Business; and Mr. *Speaker* is ordered to put the House in mind of this Order so soon as he is in his Chair.

To Debate  
the Matter of  
Property in  
Goods.

The Debate concerning the Levying of the 100000*l.* by way of Subsidy, or otherwise, is desired to be considered of on Monday Morning next after the Debate of the Subjects Property in their Goods.

100000*l.*  
Subsidy.

Monday, Decemb. 7th. Power is given to the Committee for Ship-Money, to treat and consider of all Things that may concern that Business.

Power to a  
Committee  
for Ship-  
Money.

Leave is given to Mr. *John Mowin* of *Newport* in the Isle of *Wight*, to be absent for some great Occasions of his own, until after *Christmas*.

Ordered, That the like Order as was sent to the Justices of Peace for *Middlesex* and *London*, for the Indicting and Prosecuting of *Recusants* at the next Sessions, be sent to all Justices of Peace within the several Counties of *England* and *Wales*; and to all the Officers of every several Liberty within the said Counties, to proceed accordingly at the next Sessions. And that Copies of this Order be delivered to the Knights of all the Shires, and to the Citizens and Burgesses of Cities and Boroughs within the said Counties, to the End that they may be sent down with Care and Speed.

Popish Recu-  
sants.

Lord Chief Justice *Littleton*, and the Lord Chief Baron *Davenport* bring from the Lords a Bill, Intituled,

An Act, for the Confirmation of several Letters Patents made by our Sovereign Lord the King, and other Grants made by His Majesty's dearest Consort the most High and Excellent Princess *Henrietta Maria*, Queen of *England*, *Scotland*, *France* and *Ireland*, and others in trust for her use.

An Act for the  
Queen's Join-  
ture from the  
Lords.

The House resumed the Debate concerning Ship-Money.

Lord



An. 1640.

L. Falkland's  
Speech about  
Ship-Money.

## Lord Falkland's S P E E C H about Ship-Money.

Mr. Speaker,

I Rejoice very much to see this Day ; and the want hath not lain in my Affections, but my Lungs, if to all that hath been past I have not been as loud with my Voice as any Man in the House ; yet truly my Opinion is we have yet done nothing, if we do no more ; I shall add what I humbly conceive ought to be added, as soon as I have said something with reference to him that says it.

I will first desire the Forgiveness of the House if ought I say seem to intrench upon another's Profession, and enter upon the Work of another Robe. Since I have been intrusted by the Report of a learned Committee, and confirmed by the uncontradicted Rule of the House, since I shall say nothing of this kind but in order to something further : And which moves me most to venture my Opinion, and to expect your Pardon, since I am confident that History alone is sufficient to shew this Judgment contrary to our Laws, and Logick alone sufficient to prove it destructive to our Property, which every free and noble Person values more than his Profession. I will not profess I know my self, but all those who know me, know that my natural Disposition is to decline from Severity, much more from Cruelty.

That I have no particular Provocation from their Persons, and have particular Obligations to their Calling against whom I am to speak ; and though I have not so much knowledge in Law, yet far more than I have use for ; so I hope it will be believed, that only publick Interest hath extorted this from me, and that which I would not say, if I conceived it not so true, and so necessary, that no undigested Meat can lie heavier upon the Stomach, than this unsaid would have lain upon my Conscience.

Mr. Speaker, The Constitution of this Commonwealth hath established, or rather endeavoured to establish to us the Security of our Goods, and the Security of those Laws which would secure us and our Goods, by appointing for us Judges so settled, so sworn, that there can be no Oppression, but they of Necessity must be accessary ; since if they neither deny, nor delay us Justice, which neither for the Great, nor Little Seal, they ought to do ; the greatest Person in this Kingdom cannot continue the least Violence upon the meanest. But this Security, Mr. Speaker, hath been almost our Ruin ; for it hath been turned, or rather turned it self into a Battery against us : And those Persons who should have been as Dogs to defend the Sheep, have been as Wolves to worry them.

These Judges, Mr. Speaker, to instance not them only, but their greatest Crime, have delivered an Opinion and Judgment in an extrajudicial manner, that is, such as came not within their Cognizance, they being Judges, and neither Philosophers, nor Politicians ; in which, when that which they would have so absolute and evident, takes place, the Law of the Land ceases, and that of general Reason and Equity, by which particular Laws at first were framed, returns to his Throne and Government ; where *salus Populi* becomes not only *suprema*, but *sola Lex* ; at which, and to which End, whatsoever should dispense with the King, to make use of any Money, dispenses with us to make use of his, and one another's. In this Judgment they contradicted both many and learned Acts and Declarations of Parliament ; and those in this very Case, in this very Reign ; so that for them they needed to have consulted with no other Record, but with their Memories.

2. They have contradicted apparent Evidences, by supposing mighty and eminent Dangers, in the most Serene, Quiet, and Halcion Days that could possibly be imagined ; a few contemptible Pirates, being our most formidable Enemies, and there being neither Prince nor State, with whom we had not either Alliance, or Amity, or both.

3. They contradict the Writ it self, by supposing that supposed Danger to be so sudden, that it would not stay for a Parliament, which required but Forty Days stay, and the Writ being in no such haste, but being content to stay Forty Days Seven times over.

Mr. Speaker, it seemed generally strange, that they saw not the Law, which all Men else saw but themselves. Yet though this begot the more general Wonder, three other Particulars begot the more general Indignation.

The first of all the Reasons for this Judgment, was such that there needed not any from the adverse Party to help them to convert those few, who before had not the



the least Suspicion of the Legality of that most Illegal Writ, there being fewer that approved of the Judgment, than there were that judged it Legal, for I am confident they did not *That* themselves. 16 Caroli.

*Secondly*, When they had allowed to the King the sole Power in necessity, the sole Judgment of necessity, and by that enabled him to take both from us, what he would, when he would, and how he would, they yet continue to persuade us that they had left us our Liberties and Properties.

The *Third* and *Last* is, and which I confess moved most, That by the transformation of us from the State of free Subjects (a good Phrase, Mr. *Speaker*, under Dr. *Heylin's* Favour) unto that of Villains, they disable us by Legal and Voluntary Supplies to express our Affections to His Majesty, and by that to cherish his to us, that is, by Parliaments.

Mr. *Speaker*, The Cause of all the Miseries we have suffered, and the Cause of all our Jealousies we have had, that we should yet suffer, is, That a most excellent Prince hath been most infinitely abused by his Judges, telling him that by Policy he might do what he pleased; with the first of these we are now to deal, which may be a leading to the rest. And since in providing of these Laws, upon which these Men have trampled, our Ancestors have shewed their utmost Care and Wisdom, for our undoubted Security, Words having done nothing, and yet they have done all that Words can do, we must now be forced to think of abolishing of our Grievances, and of taking away this Judgment, and these Judges together, and of regulating their Successors by their exemplary Punishment.

I will not speak much; I will only say, we have accused a great Person of High Treason, for intending to subvert our Fundamental Laws, and to introduce Arbitrary Government, which we suppose he meant to do; we are sure these have done it, there being no Law more fundamental than that they have already subverted; and no Government more absolute than that they have really introduced: Mr. *Speaker*, not only the severe Punishment, but the sudden removal of these Men, will have a sudden Effect in one very considerable Consideration.

We only accuse, and the House of Lords condemn; in which Condemnation they usually receive Advice (tho' not Direction) from the Judges; and I leave it to every Man to imagine how prejudicial to us, that is, to the Commonwealth, and how partial to their Fellow-Malefactors the Advice of such Judges is like to be. How undoubtedly for their own Sakes they will think it may conduce to their Power, that every Action be judged to be a less Fault, and every Person to be less Faulty than in Justice they ought to do: Amongst these, Mr. *Speaker*, there is one that I must not lose in the Crowd, whom I doubt not but we shall find, when we examine the rest of them, with what Hopes they have been tempted, by what Fears they have been assayed, and by what, and by whose Importunity they have been pursued, before they consented to what they did; I doubt not, I say, but we shall then find him to have been a most admirable Solicitor, but a most abominable Judge; he it is who not only gave away with his Breath what our Ancestors had purchased for us by so large an Expence of their Time, their Care, their Treasure, and their Blood, and employed his Industry as great as his Injustice, to persuade others to join with him in that Deed of Gift; but strove to root up those Liberties which they had cut down; and to make our Grievances immortal and our Slavery irreparable, left any Part of our Posterity might want occasion to curse him, he declared that Power to be so inherent to the Crown, as that it was not in the Power even of Parliaments to divide them.

I have heard, Mr. *Speaker*, and I think here that common Fame is ground enough for this House to accuse upon; and then undoubtedly there is enough to be accused upon in this House; He hath reported this so generally, that I expect not that you shall bid me name him whom you all know, nor do I look to tell you News, when I tell you it is my Lord-Keeper. But this I think fit to put you in mind of, That his Place admits him to His Majesty, and trusts him with His Majesty's Conscience; and how pernicious every Moment must be, which gives him means to infuse such unjust Opinions of this House, as are express'd in a Libel, rather than a Declaration, of which many believe him to be the Principal Secretary; and the other puts the most vast and unlimited Power of the Chancery into his Hands, the safest of which will be dangerous; for my Part, I think no Man secure, that he shall think himself worth any Thing when he rises, whilst all our Estates are in his Breast, who hath sacrificed his Country to his Ambition; whilst he who hath prostrated his own Conscience, hath the keeping of the King's; and he who hath undone us already by Wholesale, hath a Power left in him by Retail.

Mr. *Speaker*,



An. 1640.

Mr. *Speaker*, In the beginning of the Parliament he told us, and I am confident every Man here believes it before he told it, and never the more for his telling, tho' a sorry Witness is a good Testimony against himself; That His Majesty never required any Thing from any of his Ministers but Justice and Integrity. Against which, if any of them have transgressed, upon their Heads, and that deservedly, it all ought to fall. It was full and truly said; but he hath in this Saying pronounced his own Condemnation; we shall be more partial to him than he is to himself, if we be slow to pursue it. It is therefore my just and humble Motion, That we may chuse a select Committee to draw up his and their Charge, and to examine their Carriage in this Particular, to make use of it in the Charge; and if he shall be found guilty of tampering with Judges against the Publick Security, who thought tampering with Witnesses in a private Cause, worthy of so great a Fine; if he should be found to have gone before the rest to this Judgment, and to have gone beyond the rest in this Judgment, that in the Punishment of it the Justice of this House may not deny him the due Honour both to preceed and exceed the rest.

Ship-Money  
voted Illegal.Resolved upon the Question, *Nemine Contradicente*,

That the Charge imposed upon the Subjects for the providing and furnishing of Ships, and the Assessments for raising of Money for that Purpose, commonly called Ship-Money, are against the Laws of the Realm, the Subjects Right of Property, and contrary to former Resolutions in Parliament, and to the Petition of Right.

Resolved upon the Question, *Nemine Contradicente*,

That the extrajudicial Opinions of the Judges published in the *Star-Chamber*, and enrolled in the Courts of *West* in *hac verba*, &c. (Reciting the Judgment,)

In the whole, and in every Part of them are against the Laws of the Realm, the Subjects Right of Property, and contrary to former Resolutions in Parliament, and to the Petition of Right.

Resolved upon the Question, *Nemine Contradicente*,

Ship-Writs.

That the Writ following, in *hac verba*, &c. and the other Writs commonly called the Ship-Writs, are against the Laws of the Realm, the Right of Property, and the Liberty of the Subjects, and contrary to former Resolutions in Parliament, and to the Petition of Right.

Committee  
concerning  
the Judges.

Lord Faulkland,

Mr. Hollis,

Mr. Hyde,

Sir John Culpepper,

Mr. Kirton,

Mr. Goodwin,

Sir Miles Fleetwood,

Sir Guy Palmes,

Sir William Litton,

Mr. Peirpoint,

Sir John Strangeways,

Lord Wenman,

Mr. Crew,

Sir Arth. Haslerigg,

Mr. Peard,

Sir Fra. Seymour.

These are to go forthwith to the several Judges, to know how they were solicited or threatned, and in what manner, and by whom, to give any Opinion or Judgment concerning Ship-Money, and they are to go two to a Judge.

This Committee hath likewise leave to acquaint the Judges what hath been voted this Day in the House touching Ship-Money, and to use their own Discretions to ask such Questions as shall be material to the Matter contained in the Order.

Bosfiney Ele-  
ction resu-  
med.

Resolved upon the Question, That the Election of the Burgesses for Bosfiney in the County of Cornwall, is void; and that a Warrant shall issue forth under Mr. *Speaker's* Hand, directed to the Clerk of the Crown in Chancery for a new Writ, for electing of two Burgesses to serve for the said Town of Bosfiney in this present Parliament.

Tuesday.



Tuesday, Decemb. 8. Sir Roger North hath License to be absent from this House for a while, upon some great Occasions of his own.

The humble Petition of *Edward Coffey*, Esq; Counsellor at Law, read: And it was thereupon Ordered, That *John Anguish*, late Mayor of the City of *Norwich*, complained of in the Petition, be forthwith sent for as a Delinquent by the Serjeant at Arms attending on this House.

Wednesday Morning is peremptorily appointed for the Debate of the *New Canons*, and the Benevolence granted by the Clergy, and nothing is to precede this Debate; and Mr. *Speaker* is to put the House in mind of this Order, so soon as he is in the Chair.

Mr. *Hampden* chosen one of the Knights of the Shire for the County of *Bucks*, and also one of the Burgesses for *Wendover* in the said County; chuses to serve as Knight for *Bucks*, and waves *Wendover*.

Ordered, A Warrant to issue forth under Mr. *Speaker's* Hand to the Clerk of the Crown in *Chancery*, for a new Writ for the Electing of another Burgess for *Wendover*.

Mr. *Maynard* chosen for *Newport* and *Totnes*, waves *Newport*, and chuses to serve for *Totnes*. A Warrant to issue under Mr. *Speaker's* Hand according to Custom, for Electing of a Burgess to serve for *Newport*.

Mr. *Maynard* reports from the Committee for Privileges,

That the Question did arise between Mr. *Brampton Gordon*, who pretended he was chosen, though not returned; and Sir *Robert Crane*, who was returned a Burgess for the Town of *Sudbury Com' Suffolk*. That they heard Witnesses on both sides, and the Committee was satisfied with the Witnesses on Sir *Robert Crane's* behalf, and are of Opinion he is duly Elected, with which Vote the House agreed: He likewise reported the Election at *New Windsor*.

That there was a Competition between Sir *Thomas Roe* and Mr. *Waller*, who were returned Burgesses for *New Windsor*, and Mr. *Holland* and Mr. *Taylor*, who is since dead, who pretended they were Elected, though not returned. The Question was, Whether the Inhabitants in general, or the particular Choice of the Mayor, Bailiff, and some few of the Town, should have Power of Election.

This Place was incorporated by the Name of Mayor, Bailiff, and Burgesses in *Edw.* the 4th's Time; and in *Hen.* 8th's Time, the Return was made by the Mayor, Bailiff, and Burgesses. But of late Times, Return hath been made by Mayor, Bailiffs, and Commonalty. And the Committee was of Opinion, That the Charter being an Incorporation of Inhabitants, the Inhabitants of Right ought to chuse, and not the special Men.

Upon this Report it was resolved upon the Question,

That all the Inhabitants of the Borough of *Windsor* have generally Right to the Election of Burgesses to serve for that Town in Parliament.

Resolved upon the Question,

That the Election of Mr. *Holland* for one of the Burgesses for the Town of *Windsor* is not good.

Ordered. That a Warrant issue forth under Mr. *Speaker's* Hand, directed to the Clerk of the Crown in *Chancery*, for a new Writ for the Election of Two Burgesses to serve in this Parliament for the Town of *Windsor*.

Ordered, That the same Committee that was formerly appointed to consider of the Propriety of the Subjects in their Goods, shall take into Consideration some way of seeing the entering upon Record the several Commissions for Loans and Excise, and the Resolutions of former Parliaments.

16 Caroli.

Decemb. 8.  
Edw. Coffey's  
Petition.

New Canons.

Mr. Hampden's  
Election.

Wendover.

Mr. Maynard's  
Election.Mr. Maynard  
reports from  
the Committee  
of Privileges.  
Sudbury Election.

Windsor Election.

Windsor.

Windsor Election.

Power to the  
Committee  
for Properties.



An. 1640.

Mr. Warner,  
and Mr. Hol-  
ford.

Mr. Warner,  
and Mr. Hol-  
ford.

Mr. Warner,  
and Mr. Hol-  
ford.

Mr. Warner,  
and Mr. Hol-  
ford.

Mr. Warner,  
and Mr. Hol-  
ford.

Addition to  
the Commit-  
tee for Pro-  
perty.

December 9.  
Judgment in  
the Exchequer  
concerning  
Ship-Money.

Mr. Warner,  
and Mr. Hol-  
ford.

Sir George Rat-  
cliff to the  
Gate-house.

None to speak  
with him pri-  
vately.

Committee to  
procure Con-  
vocation War-  
rants.

ments thereupon, and the Addition that was offered by the Lords to the Petition of Right, and the Resolution of the House thereupon : And also the Resolutions of those several Questions proposed here concerning Ship-Money, that they may remain fair to Posterity : And it is referred to the same Committee to make a Preparation of the Vote of this House pass'd here concerning Ship-Money, to be transferred up to the Lords. And the same Committee is to consider of, and prepare a Charge against the Lord-Keeper, and the rest of the Judges that gave their Opinion touching Ship-Money. And also to take into their Consideration, their extrajudicial Opinions, and the Judgments in the Case of Ship-Money. And they are to enquire of the several Denials of *Habeas Corpus*, and Prohibitions, and their several *extrajudicial Proceedings* and Opinions concerning *Ecclesiastical* Jurisdictions, and the Court of Admiralty, and their Denial of legal and ordinary Proceedings in Cases of Justice, and the binding of the whole Kingdom by any one Man's particular Case. And they have Power to send for Parties, Witnesses, Papers, Records, or any thing else that may conduce either to the whole, or to any particular of this Business. And are to present the State of the whole Matter to this House, and are to meet this Afternoon, at Two a-Clock, in the *Exchequer-Chamber*.

Mr. Treasurer,

Sir Thomas Roe,

Mr. Strode,

Mr. Jane,

Sir Edw. Hungerford,

Sir Ralph Hopton,

Sir Hugh Cholmley,

Sir John Hotbam,

Sir Tho. Barrington,

Sir Peter Hayman.

And those Sixteen that were Yesterday appointed to confer with the Judges, are likewise added to this Committee.

Ordered, That Mr. Palmer be added to the Committee for Forests.

Ordered, That the Committee for the *High-Constable* and *Earl Marshal's Court*, now *sine die*, do meet to-morrow in the Afternoon in the wonted Place, and that all the Lawyers of the House be added to this Committee.

Wednesday, Decemb. 9. Upon a Motion made, Sir Thomas Fanshaw received the Copy of the Judgment, and other Proceedings in Mr. Hampden's Case, to examine it carefully and perfectly, that it might be entered here according to a former Order.

Mr. Warner and Mr. Holford are to be brought hither to-morrow Morning to make their Submissions here at the Bar, as by their Sentence they were ordered.

Ordered, That Sir George Ratcliff, Knight, now in the Custody of the Serjeant at Arms attending this House, be forthwith committed Prisoner to the Gate-House, to be kept in sure and safe Custody during the Pleasure of this House, there being here an Information of High-Treason against him.

Mr. Speaker is likewise to intimate to the Keeper of the Prison, that he suffer no Man to speak with Sir George Ratcliff, but in his Presence and Hearing.

Mr. Selden,

Sir Tho. Widdrington,

Mr. Whistler,

Mr. St. John,

Mr. Bagshaw,

Mr. Holborne,

Mr. Bodevile,

Mr. Glyn,

Mr. Palmer,

Mr. Peard,

Mr. Coke,

Mr. Maynard.

This



This Committee, or any three or two of them, are required to procure for the Service of this House, the Licenses precedent and subsequent to the last *Convocation*, and such other Commissions and Warrants as they shall think necessary, for the clear debating of the *New Canons*, and the Benevolence granted by the *Clergy*. They have likewise Power to examine the Clerk of the *Signet Office*, or any other Officer whom it may concern, how the Commission that enables the Clergy to give and take the new Oath, is withdrawn, and by whom. They are likewise to consider of the *Convocation Writs*, whether they are the same with the Writs of former Times; and they are to consider the Nature of the *Proxies*, and to enquire after the Opinions that the Judges gave in this Business. And have Power to send for Parties, Witnesses, Papers, Records, or any thing else that may conduce to this Business. And are to present the State of the whole Matter unto the House on *Monday* next. And are to meet this Afternoon at Two of the Clock in the *Treasury-Chamber*.

The rest of the Day was spent about Two Subsidies, which were given in lieu of 100000 l.

*Thursday, Decemb. 10.* An Act for the Naturalization of *George Smith* of *London*, Merchant, read the first time.

*Mr. Warner* and *Mr. Holford* were, one after another, called in, and kneeling at the Bar, the Petitions they exhibited during their Imprisonment in the *Tower*, in which they desired the Mercy of this House, were read unto them; and according to the Sense of those Petitions, they personally made an Acknowledgment of their Offences, and of the Justice of this House, and of their Sorrow for their Crimes, and humbly besought the Mercy and Favour of this House might be extended towards them.

*Mr. Speaker* told them, The House did allow of their Submission, and did order them forthwith to be discharged from the Serjeant's Custody, paying their Fees; and that for the rest of their Sentence, the House would take some Course for their performing of it hereafter.

Ordered, That Notice be forthwith left at *Mr. Secretary Windebank's* House, requiring him *peremptorily* to appear here to-morrow Morning. And it was moved, That if he came not, that then a Message should be sent to the Lords, to desire them to move his Majesty for a Proclamation to be awarded against him to bring him in. Upon this the Secretary fled beyond Sea. Being out of the Parliament's Reach, he sent a Letter to the Earl of *Pembroke*, dated at *Calice*, wherein among other Passages, he wrote to his Lordship, That he should have received an Account of his first Arrival; but that he was so mortified with a hazardous Passage in an open Skallop, and so perplexed with the Thoughts of Misery, into which he found himself plunged, that it was not possible for him to perform his Duty sooner. That he was the saddest and most wounded Soul in the World, a Spectacle of Misery in himself, his Wife, Children and Fortunes, having lost his Attendance upon his Sovereign, and being become a Scorn and a By-word to all the World, a Wanderer, and an Exile from his own Country, now in the Declension of his Years, and likely to end his Days in a remote Country, far from the Comfort of all his Friends. What I am guilty of, said he, none knows so well as his Majesty, whom I have served Faithfully, Diligently, Painfully, and with as True and Loyal a Heart, according to my poor Abilities, as any other whosoever.

16. *Caroli.*  
Convocation  
Warrants.

December 10.  
Naturalization  
of *George  
Smith*.

*Warner* and  
*Holford*, De-  
linquents, re-  
ceive Sen-  
tence.

*Mr. Holford*  
and *Mr. War-*  
ner discharg-  
ed.

Secretary  
*Windebank*.

His Letter to  
the Earl of  
*Pembroke*.



An. 1640.

CONVENTION  
JANUARY

Mr. Treasurer,  
Sir Thomas Roe,  
Mr. Pym,  
Captain Rainsborow,

Mr. King,  
Mr. Jennour,  
Mr. John Moore,  
Mr. Potts.

The Citizens of London, the Barons and Burgeses of all the Ports and Sea-Towns.

Algiers.

This Committee is to receive, and to take into Consideration the Petitions that are, or shall be preferred on the behalf of the Prisoners and Captives of Algiers, Tunis, or elsewhere under the Turk's Dominions; and are to present the State of them to this House, and some speedy Way for their Redress: And are to think of some Course for the securing of Navigation, and of his Majesty's Subjects for hereafter; and have Power to send for Parties, Witnesses, Papers, Records, or any thing else that they shall think may conduce to the Business; and are to meet to-morrow in the Afternoon, at Two of the Clock, in the Star-Chamber.

100000 l.

The Order made yesterday for debating the way of raising the 100000 l. was read.

Resolved upon the Question,

100000 l.

That the House shall now be resolved into a Committee to debate the former Order made concerning the raising of 100000 l. and to consider whether it be fit to alter it, and wherein.

Yeas and Noes  
divided.

(Rule.)

Upon the Difference of the Yeas and Noes concerning the altering of a Vote about the 100000 l. the House being divided, it was declared for a constant Rule, That those that give their Votes for the Preservation of the Orders of the House, should stay in: And those that give their Votes otherwise, to the introducing of any new Matter, or any Alteration, should go out. But at this time, before the Noes had all gone out, the Yeas yielded.

Two Subsidies  
instead of  
100000 l.

Resolved upon the Question,

That instead of the 100000 l. formerly ordered by this House for the Relief of the King's Army, and the Northern Counties, Two Subsidies shall be granted to the Uses express'd in the former Orders.

Mr. Peard has Leave to be of Council with the Lord Brook, in the House of Lords.

December 11.  
A new Writ  
for Windsor to  
the old Sher-  
riff.

Friday, December 11. Ordered, That the Clerk of the Crown forthwith deliver the Writ for Electing of Two Burgeses to serve in this Parliament for the Town of New Windsor in the County of Berks, to the Sheriff of the said County, who is now in Town.

A Witness in  
Mr. Pryn's  
Cause.

Mr. Grimston and Mr. Purefoy have Leave from this House to go and examine Mr. Collins of Lincoln's-Inn, as a Witness in Mr. Pryn's Cause, in regard that Mr. Collins, by reason of Sicknes, is not able to attend the Committee. And they are to report his Examination to the Committee for Mr. Pryn's Business.

Col. Lunsford.

Colonel Lunsford being, upon some Occasions, to attend the House of Lords and this House, and having likewise some Occasions of his own, it was desired, That, with the Leave of the House, he may attend the Lord General for his Leave to stay so long in Town as his Lordship shall think fit. And it was agreed unto accordingly.

Committee  
for the Bill of  
100000 l. is  
to draw up a  
Bill for Two  
Subsidies.

The same Committee that was appointed to draw up the Bill for the Grant of 100000 l. is to draw up the Bill for the Two Subsidies; And are to take into Consideration those Circumstances that happened here in Debate concerning that Business; and are to meet this Afternoon, at Two of the Clock, in the Exchequer-Court.



This Day there was presented a Petition from many of his Majesty's Subjects in and about the City of London. 16 Caroli.

## To the Right Honourable the Commons House of Parliament.

The Humble Petition of many of his Majesty's Subjects in and about the City of London, and several Counties of the Kingdom.

Sheweth,

**T**hat whereas the Government of Archbishops and Lord Bishops, Deans and Archdeacons, &c. with their Courts and Ministrations in them, have proved prejudicial and very dangerous both to the Church and Commonwealth; they themselves having formerly held, That they have their Jurisdiction or Authority of human Authority, till of these later Times being further pressed about the Unlawfulness, that they have claimed their Calling immediately from the Lord Jesus Christ, which is against the Laws of this Kingdom, and derogatory to his Majesty and his State Royal. And whereas the said Government is found by woful Experience to be a main Cause and Occasion of many foul Evils, Pressures and Grievances of a very high Nature unto his Majesty's Subjects in their own Consciences, Liberties and Estates, as in a Schedule of Particulars hereunto annexed may in part appear:

The London Petition against Bishops, and 28 Grievances occasion'd by them, presented December 11. 1640.

We therefore most humbly pray, and beseech this Honourable Assembly, the Premises considered, That the said Government, with all its Dependencies, Roots and Branches, may be abolished, and all Laws in their behalf made void, and the Government, according to God's Word, may be rightly placed amongst us. And We your humble Suppliants, as in Duty we are bound, will daily pray for his Majesty's long and happy Reign over us, and for the prosperous Success of this High and Honourable Court of Parliament.

### A Particular of the manifold Evils, Pressures and Grievances caused, practised and occasioned by the Prelates, and their Dependants.

1. **T**HE subjecting and enthralling all Ministers under them and their Authority, and so by degrees exempting them from the Temporal Power: whence follows,

2. The Faint-heartedness of Ministers to Preach the Truth of God, lest they should displease the Prelates; as namely, the Doctrine of Predestination, of Free-Grace, of Perseverance, of Original Sin remaining after Baptism, of the Sabbath, the Doctrine against Universal Grace, Election for Faith foreseen, Free-Will, against Antichrist, Non-Residents, human Invention in God's Worship; all which are generally with-held from the People's Knowledge, because not relishing to the Bishops.

3. The Encouragement of Ministers to despise the Temporal Magistracy, the Nobles and Gentry of the Land; to abuse the Subjects, and live contentiously with their Neighbours, knowing that they, being the Bishop's Creatures, shall be supported.

4. The Restraint of many godly and able Men from the Ministry, and thrusting out of many Congregations their faithful, diligent, and powerful Ministers, who lived peaceably with them, and did them good, only because they cannot in Conscience submit unto, and maintain the Bishops needless Devices; nay, sometimes for no other Cause, but for their Zeal in Preaching, or great Auditories.

5. The



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5. The suppressing of that godly Design set on foot by certain Saints, and sugared with many great Gifts by sundry well-affected Persons for the buying of Impropriations, and placing of able Ministers in them, maintaining of Lectures, and founding of Free-Schools, which the Prelates could not endure, lest it should darken their Glories, and draw the Ministers from their Dependence upon them.

6. The great Increase of idle, lewd and dissolute, ignorant and erroneous Men in the Ministry, which swarm like the Locusts of *Egypt* over the whole Kingdom: And will they but wear a Canonical Coat, a Surplice, a Hood, bow at the Name of *Jesus*, and be zealous of superstitious Ceremonies, they may live as they list, confront whom they please, preach and vent what Errors they will, and neglect Preaching at their Pleasures without Controul.

7. The Discouragement of many from bringing up their Children in Learning; the many Schisms, Errors, and strange Opinions which are in the Church; great Corruptions which are in the Universities, the gross and lamentable Ignorance almost every where among the People, the Want of Preaching Ministers in very many Places both of *England* and *Wales*, the loathing of the Ministry, and the general Defection to all manner of Prophaneness.

8. The swarming of lascivious, idle and unprofitable Books and Pamphlets, Play-books and Ballads; as namely, *Ovid's Firs of Love*, *The Parliament of Women*, which came out at the dissolving of the last Parliament; *Barns's Poems*, *Parker's Ballads*, in Disgrace of Religion, to the Increase of all Vice, and withdrawing People from Reading, Studying, and Hearing the Word of God, and other good Books.

9. The hindering of godly Books to be printed, the blotting out or perverting those which they suffer, all or most of that which strikes either at Popery or *Arminianism*; the adding of what or where pleaseth them, and the Restraint of reprinting Books formerly licensed, without relicensing.

10. The publishing and venting of Popish, *Arminian*, and other dangerous Books and Tenets; as namely, *That the Church of Rome is a true Church and in the worst Times never erred in Fundamentals*; *That the Subjects have no Propriety in their Estates, but that the King may take from them what he pleaseth*; *That all is the Kings, and that he is bound by no Law*; and many other; from the former whereof hath sprung,

11. The Growth of Popery and Increase of Papists, Priests and Jesuits in sundry Places, but especially about *London* since the Reformation; the frequent venting of Crucifixes and Popish Pictures both Engraven and Printed, and the placing of such in Bibles.

12. The Multitude of Monopolies and Patents, drawing with them innumerable Perjuries; the large Increase of Customs and Impositions upon Commodities, the Ship-Money, and many other great Burthens upon the Commonwealth, under which all groan.

13. Moreover, the Offices and Jurisdictions of Archbishops, Lord-Bishops, Deans, Archdeacons, being the same Way of Church-Government, which is in the *Romish* Church, and which was in *England* in the Time of Popery, little Change thereof being made, (except only the Head from whence it was derived) the same Arguments supporting the Pope, which do uphold the Prelates; and overthrowing the Prelates, which do pull down the Pope; and other Reformed Churches having, upon their Rejection of the Pope, cast the Prelates out also as Members of the Beast. Hence it is that the Prelates here in *England*, by themselves or their Disciples, plead and maintain, That the Pope is not Antichrist, and that the Church of *Rome* is a true Church, hath not erred in fundamental Points, and that Salvation is attainable in that Religion, and therefore have restrained to pray for the Conversion of our Sovereign Lady the Queen. Hence also hath come,

14. The great Conformity and Likeness both continued and increased of our Church to the Church of *Rome*, in Vestures, Postures, Ceremonies and Administrations; namely, as the Bishops Rotchets and the Lawn-Sleeves, the Four-Corner'd Cap, the Cope and Surplice, the Tippet, the Hood, and the Canonical Coat; the Pulpits cloathed, especially now of late, with the Jesuit's Badge upon them every way.

15. The standing up at *Gloria Patri*, and at the reading of the Gospel, praying towards the *East*, the Bowing at the Name of *Jesus*, the Bowing to the Altar, towards the *East*, Cross in Baptism, the Kneeling at the Communion.



16. The turning of the Communion-Table Altar-wise, setting Images, Crucifixes, and Conceits over them, and Tapers and Books upon them, and bowing or adoring to, or before them; the reading of the second Service at the Altar, and forcing People to come up thither to receive, or else denying the Sacrament to them; terming the Altar to be the Mercy-Seat, or the Place of God Almighty in the Church; which is a plain Device to usher in the Mass.

17. The Christ'ning and Consecrating of Churches and Chapels, the Consecrating Fonts, Tables, Pulpits, Chalice, Church-yards, and many other things, and putting Holiness in them; yea, re-consecrating upon pretended Pollution, as though every thing were unclean without their consecrating; and for want of this, sundry Churches have been interdicted, and kept from use as polluted.

18. The Liturgy, for the most part, is framed out of the Romish *Breviary*, *Rituals*, Mass-Book; also the Book of Ordination for Archbishops and Ministers framed out of the *Roman Pontifical*.

19. The Multitude of Canons formerly made, wherein, among other things, Excommunication, *ipso facto*, is denounced for speaking of a word against the Devices abovesaid, or Subscription thereunto, though no Law enjoined a Restraint from the Ministry without Subscription; and Appeal is denied to any that should refuse Subscription or unlawful Conformity, though he be never so much wronged by the inferior Judges. Also the Canons made in the late Sacred Synod, as they call it, wherein are many strange and dangerous Devices to undermine the Gospel, and the Subjects Liberties, to propagate Popery, to spoil God's People, ensnare Ministers and other Students, and so to draw all into an absolute Subjection and Thralldom to them and their Government, spoiling both the King and the Parliament of their Power.

20. The countenancing of Plurality of Benefices, prohibiting of Marriages without their License, at certain Times, almost Half the Year, and licensing of Marriages without Banns asking.

21. Prophanation of the Lord's Day, pleading for it, and enjoining Ministers to read a Declaration, set forth (as 'tis thought) by their Procurement, for tolerating of Sports upon that Day, suspending and depriving many godly Ministers for not reading the same only out of Conscience, because it was against the Law of God so to do, and no Law of the Land to enjoin it.

22. The pressing of the strict Observation of the Saints Days, whereby great Sums of Money are drawn out of Mens Purses for working on them; a very high Burthen on most People, who getting their Living on their daily Employments, must either omit them, and be idle; or part with their Money, whereby many poor Families are undone, or brought behind-hand; yet many Church-Wardens are sued, or threatened to be sued by their troublesome Ministers, as perjured Persons, for not presenting their Parishioners, who failed in observing Holidays.

23. The great Increase and Frequency of Whoredoms and Adulteries, occasioned by the Prelates corrupt Administration of Justice in such Cases, who taking upon them the Punishment of it, do turn all into Monies for the filling of their Purses; and lest their Officers should defraud them of their Gain, they have in their late Canon, instead of remedying these Vices, decreed, That the Commutation of Penance shall not be without the Bishop's Privy.

24. The general Abuse of that great Ordinance of Excommunication, which God hath left in his Church, as the last and greatest Punishment which the Church can inflict upon obstinate and great Offenders; and the Prelates and their Officers, *who of right have nothing to do with it*, do daily excommunicate Men, either for doing that which is lawful, or for vain, idle, and trivial Matters, as working, or opening a Shop on a Holiday, for not appearing at every Beck upon their Summons, not paying a Fee, or the like; yea, they have made it, as they do all other things, a Hook or Instrument, wherewith to empty Mens Purses, and to advance their own Greatness; and so that Sacred Ordinance of God, by their perverting of it, becomes contemptible to all Men, and is seldom or never used against notorious Offenders, who for the most part are their Favourites.

25. Yea further, The Pride and Ambition of the Prelates being boundless, unwilling to be subject either to Man or Laws, they claim their Office and Jurisdiction to be *Jure Divino*, exercise Ecclesiastical Authority in their own Names and Rights, and under their own Seals, and take upon them temporal Dignities, Places and Offices in the Commonwealth, that they may sway both Swords.

16 Caroli.

London Petition  
against  
Bishops.The Roll of  
Names to be  
called up.Committee  
for Subsidies.Mr. Pargeter  
Petition.



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26. Whence follows the taking Commissions in their own Courts and Consistories, and where else they sit in Matters determinable of Right at Common Law; the putting of Ministers upon Parishes without the Patron's and Peoples Consent.

27. The imposing of Oaths of various and trivial Articles yearly upon Churchwardens and Sidesmen, which they cannot take without Perjury, unless they fall at Jars continually with their Ministers and Neighbours, and wholly neglect their own Calling.

28. The exercising of the Oath *Ex Officio*, and other Proceedings by way of Inquisition, reaching even to Mens Thoughts; the apprehending and detaining of Men by Pursuivants, the frequent suspending and depriving of Ministers, Fining and Imprisoning of all Sorts of People, breaking up of Mens Houses and Studies, taking away Mens Books, Letters, and other Writings, seizing upon their Estates, removing them from their Callings, separating between them and their Wives against both their Wills, the rejecting of Prohibitions with Threatnings, and the doing of many other Outrages, to the utter infringing the Laws of the Realm and the Subjects Liberties, and ruining of them and their Families; and of later time, the Judges of the Land are so awed with the Power and Greatness of the Prelates, and other ways promoted, that neither Prohibition, *Habeas Corpus*, nor any other lawful Remedy can be had, or take place, for the distressed Subjects in most Cases; only Papists, Jesuits, Priests, and such others as propagate Popery or *Arminianism*, are countenanced, spared, and have much Liberty. And from hence followed, amongst others, these dangerous Consequences:

*First*, The general Hope and Expectation of the *Romish* Party, that their superstitious Religion will ere long be fully planted in this Kingdom again; and so they are encouraged to persist therein, and to practise the same openly in divers Places, to the high Dishonour of God, and contrary to the Laws of the Realm.

2. The Discouragement and Destruction of all good Subjects, of whom are Multitudes, both Clothiers, Merchants and others, who being deprived of their Ministers, and overburthened with these Pressures, have departed the Kingdom to *Holland*, and other Parts, and have drawn with them a great Manufacture of Cloth, and Trading, out of the Land into other Places where they reside, whereby Wool, the great Staple of the Kingdom, is become of small Value, and vends not: Trading is decayed, many poor People want Work, Seamen lose Employment, and the whole Land is much impoverished, to the great Dishonour of this Kingdom, and Blemishment to the Government thereof.

3. The present Wars and Commotions happen'd between his Majesty and his Subjects of *Scotland*, wherein his Majesty, and all his Kingdoms, are endanger'd, and suffer greatly, and are like to become a Prey to the Common Enemy, in case the Wars go on; which we exceedingly fear will not only go on, but also increase to an utter Ruin of all, unless the Prelates, with their Dependencies, be removed out of *England*, and also they and their Practices, who, as we under your Honours Favours do verily believe and conceive, have occasioned the Quarrel.

*All which We humbly refer to the Consideration of this Honourable Assembly, desiring the Lord of Heaven to direct you in the right way to redress all these Evils.*

*Resolved upon the Question*, That there shall be a Day certain set down for the debating of the *Petition* now read and presented from many of the Inhabitants in and about *London*. That this Debate shall be on *Thursday* next. That the *Roll of Names* brought in with this *Petition* shall be sealed with Mr. *Speaker's* Seal, and the Two Aldermen's of the City of *London*, and be kept in Mr. *Speaker's* Hand till the House shall further order it; that the Members of the House may have Copies of this *Petition*, and none else.

'Tis ordered to take into Consideration the providing and sending down of the rest of the Money intended for the Relief of the King's Army, and the *Northern* Counties, to-morrow Morning at Nine of the Clock; and the Committee for the Bill of Subsidies is to meet this Afternoon.

The *Petition* preferred by Mr. *Pargeter* of *Northamptonshire*, was by Order deliver'd to Mr. *Knightley*. The

London Petition against Bishops.

The Roll of Names to be sealed up.

Committee for Subsidies.

Mr. *Pargeter's* Petition.



The Committee to prepare the Charge against the Lord Keeper now *sine die*, is to meet this Afternoon. 16 Caroli.

Saturday, Decemb. 12. The Petition of the Mayor and Burgeses of Okehampton, in the County of Devon, referred to the Committee for Privileges to peruse the Records, and to certify their Opinions. Decemb. 12. Okehampton Petition.

Tuesday Morning is appointed for those that have Bills of Naturalization, to come to be sworn. Naturalization.

Upon Sir Guy Palmes his Motion, the House granted leave to Young Mr. Mallory to go into the Country for a time, being employed about His Majesty's Affairs, and some Occasions of his own necessitating him. Mr. Mallory have leave to go into the Country.

Sir Tho. Widdrington,

Mr. Rolls,

Sir Peter Hayman,

Mr. Vassall,

Mr. Cage,

Mr. Upton,

Mr. Wingate,

Sir Anthony Irby,

Mr. Goodwin,

Mr. Alston,

Sir Edw. Ascough,

Sir Christopher Wray,

Mr. Owfield,

Mr. Jane,

Sir Rich. Buller.

This Committee, or any Four of them, are to peruse all Petitions that are come in, or to come in; and to peruse them to see what Petitions are fit to be received, and to what Committee they are fit to be referred, and to report the same to this House, and to meet in the Committee-Chamber at Two of the Clock this Afternoon. To peruse all Petitions.

No Leave for any Member to go into the Country till a full House, and Mr. Speaker to put the House in mind thereof. No Leave till a full House.

Ordered, That the old Sheriff of Berks shall, if he have not received his Discharge, execute the Writ for Election of Burgeses for Windsor forthwith. Windsor.

A Bill for Confirmation of a Joynture made to the most Excellent Princess Henrietta Maria, Queen of England, &c. read the first time. Bill read for the Queen's Jointure.

Mr. Speaker is desired to come early on Tuesday Morning, and to move the House for a second reading of the Bill for the Queen's Joynture. Mr. Speaker.

Mr. Treasurer and Caprain Rainsborow are to present unto His Majesty, that there are Ten Turkish Pirates, as this House is informed, upon the Western Coasts, and humbly to move His Majesty, that two of His Majesty's Ships now riding in the Downs, may forthwith be sent to scower the Seas, and secure the Merchants. Turkish Pirates.

Mr. Treasurer is added to the Committee that is appointed to consider of the State of the King's Army; and this Committee is to take into consideration the Condition of the Garison Towns, and what Payments are fit to be made to the Soldiers there, to consider of the proportioning of the residue of the Moneys that are to go down to the North, and to consider of the Exposition of the Words, *justly suspected*, in the Order of this House, concerning Recusants that have Office in the Army. Army and Garisons.

Ordered, That Alexander Huish Parson of Beckington, Henry Anketil Parson of Wells, Richard Earl Parson of Henington, complained of in a Petition exhibited by the Inhabitants of the Parish of Beckington, in the County of Somerset, for Innovations in the Church, &c. be forthwith sent for as Delinquents by the Serjeant at Arms attending in this House. Alex. Huish & al' Delinquents.



An. 1640.

Committee for  
the Bishop of  
Bath and  
Wells.

Sir John Stoel,  
Sir Ralph Hopton,  
Mr. Ashe,  
Sir Edw. Askew,  
Mr. Pym,  
Mr. Hatcher,  
Sir Edw. Mountford,  
Mr. White,  
Sir John Strangeways,  
Mr. Hyde,  
Sir William Brereton,  
Mr. Waller,  
Mr. Trenchard,  
Mr. Strode,  
Sir Tho. Hutchinson,

Mr. King,  
Sir Tho. Middleton,  
Mr. Goodwin,  
Mr. Wheeler,  
Mr. Fienes,  
Mr. Spurstow,  
Sir William Litton,  
Sir Robert Harley,  
Sir John Curson,  
Sir James Thym,  
Mr. Cage,  
Sir Edw. Ashe,  
Mr. Hampden,  
Mr. Grantbam,  
The Knights and Burgeses of  
Somerſet.

Petition of  
Beckington in  
Somerſetſhire.

This Committee is to take into conſideration the Petition exhibited by the Inhabitants of the Pariſh of *Beckington*, in the County of *Somerſet*, and to receive all Petitions that concern the Biſhop of *Bath and Wells*, and to preſent the State of the Buſineſs to the Houſe, and has Power to ſend for Parties, Witneſſes, Papers, Records, or any Thing elſe that may conduce to the Buſineſs. And are to meet on *Tueſday* at Two of the Clock in the *Exchequer-Court*. The Petition from the County of *Somerſet* now with the Committee of Twenty-Four, is to be removed thence, and is referred by Order to this Committee.

The Petition of the Inhabitants of the Town and Pariſh of *Chalfort St. Peter* in the County of *Bucks*, is referred to the Committee for the Biſhop of *Bath and Wells*.

Monday, Decemb. 14. 1640.

Concerning  
Lord Lieute-  
nants, &c.

Mr. Glynn,  
Mr. Palmer,  
Mr. Selden,  
Mr. Whiſtler,  
Mr. St. John,  
Sir Tho. Widrington,  
Mr. Meynard,  
Mr. Coke,  
Mr. Sollicitor,  
Mr. Grimſton,  
Mr. Pym,  
Sir Peter Temple,  
Mr. Nath. Fienes,  
Sir Gervas Clifton,  
Sir Nevil Poole,  
Mr. Noell,  
Sir Arth. Haſlerigge,  
Lord Ruthyn,  
Sir Guy Palmes,  
Sir Walt. Earle,  
Mr. Bagshaw,  
Sir William Litton,  
Sir Peter Hayman,  
Sir Hen. Anderson,  
Sir John Strangeways,

Sir Oliver Luke,  
Mr. Aſhburnham,  
Sir Tho. Barrington,  
Mr. Sutton,  
Sir Gilbert Gerrard,  
Sir Fra. Seymour,  
Mr. Capel,  
Mr. Cage,  
Mr. Hampden,  
Sir John Hotbam,  
Sir John Evelyn,  
Sir Edw. Deering,  
Sir Alex. Denton,  
Sir Amb. Brown,  
Sir Simon d' Ewes,  
Sir Tho. Bowyer,  
Lord Digby,  
Mr. Kirton,  
Sir Hugh Cholmley,  
Sir Philip Stapleton,  
Sir Chriſtopher Wray,  
Sir Antho. Irby,  
Sir John Wray,  
Sir Henry Herbert.

And



And all that will come, are to have Voices at this Committee, who have Power to examine the Misdemeanors of the Lieutenants, and Deputy Lieutenants, and other Inferior Officers, of all Counties, and all others employed under them, and are to consider of the Assessing, Levying, Collecting, and taking of Coat and Conduct-Money, and all other Levies of Monies contrary to Law, and are to consider of the Misdemeanors of the Clerk of the Peace, and are to prepare a Bill for the Regulating of the Actions of Lord Lieutenants, and Deputy-Lieutenants, and for the Rating, Levying, and Assessing of the Arms of the Kingdom; And has Power to send for Parties, Witnesses, Papers, Records, or any Thing else that may conduce to the Business, and to Assign and hear Council. The Petition of *Francis Haslewood*, Esq;,, and Three other Petitions delivered with it, and the Petition of the Mayor and Aldermen of the City of *Norwich*, are referred to this Committee, and they have Power to receive all Petitions of the like Nature, and are to meet to Morrow in the Afternoon at Two of the Clock, in the Dutchy Court.

16 *Caroli.*

A Committee concerning Lord Lieutenants, and Deputy Lieutenants.

Mr. Treasurer is intreated to acquaint His Majesty, with the great Care and Affection of this House, to advance, and settle His Majesty's Revenue; and for that Purpose do humbly desire His Majesty that he will give them leave to enter into Debate of His Majesty's Revenue, and Expences.

King's Revenue to be debated, if the King give leave.

The further Debate of the New Canons is deferred till to Morrow Morning Nine of the Clock peremptorily, for all that will speak unto them, and Mr. Speaker is to put the House in mind of this Order.

New Canons.

Ordered, That the Select Committee appointed to prepare the Charge against the Lord Keeper, and the Judges, shall have Power to treat of, and examine all Matters whatsoever that shall come before them concerning the Lord Keeper and the Judges: They have Power likewise to send some of their Members to examine the Judges, or any others, concerning this Business.

Lord Keeper Finch, and the Judges.

*Tuesday, Decemb. 15.* The Humble Petition of *William Bullock* Read.

Decemb. 15.

Ordered, That Mr. *Bullock*, who is required to attend the Grand Committee for Trade this Afternoon upon a Cause depending here; and likewise required by an Order in *Chancery*, to attend the Lord Keeper in the same Cause, as by the Petition appears, at the same Time, shall attend his Cause depending here, and be dispensed with from his attending the Lord Keeper, till his Cause be ended here; and that he shall not be prejudiced by any Order made in the same Cause by the Lord Keeper during his necessary Attendance here.

*Bullock* required to attend his Cause here.

Ordered, That the Business concerning Sir *William Pennyman*, and the Levying of Moneys by Musqueteers, be referred to the Committee for Deputy Lieutenants, to be the next Cause after *Leicestershire* Cause.

Sir *William Pennyman*.

Ordered, That Captain *Toward*, an Officer in Sir *William Pennyman*'s Regiment, informed against in this House for Levying of Monies by Musqueteers, be forthwith sent for as a Delinquent, by the Serjeant at Arms attending on this House.

Captain *Ralph Toward* Delinquent.

The Petition of *James Maleverer* of *Arnecliff* in the County of *York* and of — *Moyser*, Esquire, complaining of the Judges in the Exchequer for their Proceedings against them in the Case of Knighthood, Read, but nothing further done therein at this Time.

*Moyser & Maleverer*, about Knighthood Money.

Then the House proceeded to take into consideration the Proceedings in the last Convocation, and the New Canons there made, touching which there were made the following Speeches.



An. 1640.

## Sir Edward Deering's Speech about the Canons.

Sir Edw. Deering's Speech about the Canons, Decemb. 14 1640.

Mr. Speaker,

That the late Canons are invalidous, it will easily appear; and that they are so originally in the Foundation, or rather in the Founders of them, I will assume upon my self to demonstrate, having first intimated my Sense by way of Preparative.

The Pope (as they say) hath a Triple Crown; answerable thereunto; and to support it, he pretends to have a threefold Law; the first is *Jus divinum*, Episcopacy by Divine Right, and this he would have you think to be the Coroner next his Head, that which doth circle and secure his Power; our Bishops have (in an unlucky Time) entred their Plea, and pretended Title to this Crown, Episcopacy by Divine Right.

The second is *Jus humanum*, Constantine's Donation, the Gift of Indulgent Princes, temporal Power; this Law belongs to his second, or his middle Crown, already also pleaded for by our Prelates in Print.

These Two Crowns being obtain'd, he (the Pope) doth frame and make his third Crown himself, and sets that upmost upon the Top. — This Crown also hath its Law, and that is *Jus Canonicum*, the Canon-Law, of more use unto his Popelhip than both the other — Just so our Prelates from the pretended Divinity of their Episcopacy, and from the Temporal Power granted by our Princes, they would now obtrude a New Canon-Law upon us.

They have charged their Canons at us to the full, and never fearing that ever they would recoil back into a Parliament, they have ramm'd a prodigious, ungodly Oath into them.

The Illegality and Invalidity of these Canons (as I conceive) is easily discovered by one short Question, *viz.* What do you call the Meeting wherein they were made? Give it a Name to know it by: Who can frame his Argument aright, unless he can first tell against what he is to Argue? Would you confute the Convocation? They are a Holy Synod: would you argue against the Synod? Why they were Commissioners; would you dispute the Commission? They will mingle all Power together and answer, that they were some fourth Thing, that we neither know, nor imagine. —

*Quoteneam vultus mutantem Protea nodo*; unless they will unriddle themselves, and own what they were who made them, I may prosecute, but hardly with conclusive Arguments, yet I venture.

I have conferr'd with some of the Founders of these new Canons; but I profess clearly, that I could never yet meet with any one of that Assembly, who could (in behalf of their Meeting) well answer me the first Question in the Catechism, *What is your Name?* Alas! they were parted before they knew what they were, when they were together.

The sum of several Answers that I have receiv'd doth amount to this; they were a Conventional-Synodical-Assembly of Commissioners; indeed a threefold *Chimera*, a Monster to our Law, a *Cerberus* to our Religion.

A strange Commission, wherein no one Commissioner's Name is to be found! a strange Convocation, that liv'd when the Parliament was dead! a strange Holy Synod, where one Part never saw, never conferr'd with the other! — But indeed, what use or need of Conference, if that be true of these Canons, which I read of the former ones, *Notum est Canones formari Lambethæ, priusquam in Synodo ventilentur?*

Thus far Preparatory: I proceed to my Arguments whereby to manifest the Invalidity of these Canons, not borrowing, but avoiding what hath formerly been instanced by others.

I will neither inveigh upon them, as un-named Commissioners, nor Infirm them as the Work of a dead Convocation, but will take them in the Capacity of their own affected Title of a Synod; such they bragged themselves to be whilst they sat, such they stiled themselves in the Title Page of these (never to be Canoniz'd) Canons — the Words are — Canons treated upon in Convocation, — agreed upon in Synod.

This treating in one Capacity, and agreeing in another, is a new Mold to cast Canons in, never used before. Canons bred in Convocation, born in a Synod; thus altho'

Parker Polit.



altho' we had not one good Father, here are yet two Mothers to one Ill-favour'd Child; never known before, nor imagined, but of *Bacchus*, whom the Poet calls, among other Attributes,

16 Caroli.

—*Solumq; bimatrem.*

I proceed — If their Meeting be a Synod; either it is so by Donation, by Election, or only by Usurpation.

Donation from the King; is this Title and Authority indulged to them by His Majesty? Look through all his Highness's Letters Patents, and they are not once saluted with the ambitious Title of a Synod; yet in the Canons they have assumed it 17 Times; it is their own Pride, their own Presumption.

The King hath not done it (pardon me) no Prince ever did it, or can do it; no Power Regal, Imperial or Papal, did ever attempt it, to ordain that *William* and *Richard*, *Matthew* and *John*, &c. and I know not who more, being met and assembled upon other Summons, shall, by a Commission, be on a sudden translated from what they were, into an unthought-of National Synod, without Voice, or Choice of any Man to be concern'd; this never was done, this never can well be done.

As for the Election for such Meetings, this indeed is, or ought to be of the true *Esse* to a Legitimate Synod; but due Election, made up by Voices, is so much a stranger to this Synod, that their Fatherhoods will confess, that they were never trusted to this Synod, as a Synod, by any, either of the Clergy, or of the Laity.

Concerning the Choice of a few of them, and but a few (about 50, as I guess) chosen to the Convocation-House, that Choice will never render them a Lawful Synod, until they can prove Metamorphosis and Transubstantiation — for the Rights of all their Chusers, upon expiration of the Convocation-House, return'd back home to every Man's Bosom from whence they breathed; so that if you will enlive the same to be now Synodal, who were before but Convocational, you must renew the old *Pythagorean* Transmigration; for they want the Breath and Life of an Election, and a new one you have not, and the old one is not to be had, but by *μετεμύωσις*.

Besides, I do affirm, and shall prove, that the Electors to a Convocation, and to a Synod, are not all one; the Clergy only do, and of right ought to chuse unto the Convocation-House: The Reason? we of the Laity (as they call us) have our House of Commons, where our Trustees, by vertue of our Voices, do sit at the same Time; but in the Choice unto a Synod, we, who must be bound by the Determinations of the Synod, ought also to be interested in the Parties determining; this is clear enough in Reason, and will be better cleared presently.

Of Synods, I find Five several sorts. First, a General or Universal Synod; Secondly, Patriarchal; Thirdly, National; Fourthly, Provincial; Fifthly, a Diocesan Synod. I pass by the two first, and last, as not pertinent to this Time, and Affair; concerning Provincial and National Synods, a Word or two, if I knew which to call their late Meeting; they run on Riddles, and I want an *Oedipus* at every turn.

These Canons were they forged in one Synod National, or in any Provincial? Were they any Provincial Synod? How then come their Acts and Canons imbodyed together? How comes it to pass, that all the Canons speak in the singular number? The Synod, the Holy Synod, the Sacred Synod; Sacred will now be hardly granted, unless as the Poet doth

—*Auri sacra fames* —

Was it then but one? Was it a National Synod? why the Provinces (we all know) never did Convene, they never met together: Look upon the Representative Body of the Commons of this whole Land; every one, within the same Walls, hearing every one's Arguments, and thereupon mending, altering, and (as occasion is) correcting his own Judgment, and afterwards (*ὁμοθυμαδόν*) joining in unanimous consent; and if the able Members of the North beyond *Trent* were divided from the rest, there would quickly be found a want of their worth and weight; nor could their sitting, at the same Time, at *York*, make the rest a House of Commons here, for the whole Kingdom must be represented entire.

But as we have done with the Title Synod, so let us give them the Title National, a National Synod, and you will see how inconsistent and invalidous they are.



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The very *Esse* of every Synod doth *subsist in a double Foundation, Fundamentum materiale, and Fundamentum formale.*—The due Materials of a Synod, are the interior Qualities and the Endowments of the Persons whereof the Synod consisteth; not their extraordinary Dignities and Promotions. And therefore every Man thus qualified, is as capable to be of the Synod, as any Dean or Archdeacon of them all.

The *Fundamentum formale*, is *Delegatio qd Ecclesia, & debita Electio*, a due Choice to be made by all that are, or shall be concerned in the determination of the Synod; and this Trust of Choice may fall upon another Man, as well and as soon as upon a Dean or Archdeacon.

I will not quarrel the want of able Parts in any Members of that late, doubtful, dangerous Meeting; I grant them the Materials of a true Synod; but I will insist only upon the second, want of Form, want of due Election: which if they want, the most virtual and most obliging Tie, and the most binding Part is wanting.

That they had no such Election, we need not go forth to prove; No one Man in the Kingdom can say that he gave a Voice to the Election of any one Dean, or Archdeacon to sit for him in that Synod; nor were the Clerks chosen by all who were to be bound: so then there remaineth only to be proved this, That such Election of Persons by all Persons to be concern'd in the Decrees and Canons, is necessary to the Constituting of a lawful Synod; which is all one as to say, That the Election to a Synod ought to be both by the Clergy and Laity.

Mr. *Speaker*, I will trouble you but with one Reason, and a very few Instances, all briefly.

The Acts and Canons of every Lawful, National Council or Synod, ought to bind the whole Nation, both Laity and Clergy; but this cannot be reasonable and just, if the Laity be excluded, both from such Consultation, and from choice of Consulters. The Reason is plain, it is a Ground in Nature, and so confessed in this very Case by Dr. *Field*, who hath it out of *Occam*—*Quod omnes tangit, ab omnibus tractari debet*; And this is so clear a Maxim, That in this very sense also, for the Laity to be present at Councils, this very Aphorism is used by the Pope in his own Gloss upon the Canonist *Gratian*, *Quod omnes tangit, ab omnibus tractari debet*. Surely our Clergy are much too high, if herein they would out-go the very Canons of the Papal Synods, and conclude that which shall bind all, where all are not admitted to Treat, neither by themselves, nor by Proxy.

Now the Benefit of this Law of Nature and of Reason (as Dr. *Field* calleth it) we claim: The present Canons do concern us; I may be a Church-warden, my Son may be a Master of Arts, then must I present upon their yet unborn Articles, and he must swear their Oath of Covenant—Well, they were never trusted by us unto a Synod, and therefore ought not to be by us at all named; it is against Nature and Reason.

To second this Argument by Instances in proof of Practice, I shall produce a few, and but a few of many Examples and Authorities, that I originally cannot now command, but must be content to name a few Tracts, which, by way of Transcript, do walk along with my *Vade Mecum*.

The Point that I would establish, is this, That in Synods and Councils, where Lay-men are concern'd in the Decrees, there the Laity may be present to Consult, if not also to Decide; the Conclusions I will but point at; I will not enlarge to the vouching every Place *verbatim*; Dr. *Field*, Dr. *Fulke*, *Goulartius*, are clear and positive in this Point.

Our Statutes for collecting and gathering together the former Canons into a new Body, do clearly evidence this unto us; in all which there is an equal Proportion, 16 of the Clergy, and as many of the Laity.

The Author of the History of *Trent*, is frequent in this Point, adding this for a Reason; That in a General Council, the Universal Church cannot be represented, if the Laity be excluded; so by the Rule *à paribus*, the Reason holdeth the same; a National Council cannot represent, if but one degree of many Men of one Quality and Capacity be only present, and the rest altogether excluded.

*Gratian*, the Canonist, doth allow the Laity to be present, especially in such Councils as do treat of Faith, and for proof doth vouch Pope *Nicholas*.

I will omit many Proofs of many Emperors being personally present in many Councils by themselves, and sometimes by their Vicegerents; as *Marcellinus*, *Candidianus*, *Martianus*, &c. yet even this is Argumentative for us, and a preservation of our Right, for the Laity to be present.



The Greek Historians are so plentiful, that I will only name them.

16 Caroli

Theodoret, l. 5. c. 9.

Niceph. Callistus, l. 8. c. 1.

Eusebius de vita Constantini, l. 3. c. 9, & 10.

Socrates, l. 1. c. 5. & l. 6. c. 2.

Sozomen, l. 1. c. 16, & 17.

Evagrius Scholast. l. 2. c. 4, & c. 27.

Among the Latin Fathers, Cyprian is very plentiful.

As for Councils, look,

Nice 1. vouched by Eusebius de vita Constantini — 4 Conc. Carthag. cited by Gratian — the Council of Eliberis in Spain; Council of Constantinople in Theodoret — Council of Constance, and the second of Nice — where it is said of the Imperial Lady, the Famous Pulcheria Augusta, that *Ipsa per semetipsam in sancta quarta Synodo sedit*: which Fourth Synod was with Martianus the Emperor.

To these I add the very Ordo celebrandi Concilia, written by Isidore, and like unto the Modus tenendi Parliamentum.

Thus much for Human Testimony; I have done with my hasty Notes; only I add this, and I beseech you to intend it:

Whilst we of the Laity had our Power and Voices to chuse our own Ministers, and our own Bishops, (which is our Ancient Right, constantly allowed and practised in the best Primitive Times, whereof the Proofs are yet evident enough) so long (I say) we might trust them in a Synod, whom we first had trusted to direct and guide our Souls in all the Ministerial Functions — but to conclude us up now, and shut us out contrary to the Law of Nature and Reason, contrary to Ancient Usages, not to admit us to Determination, nay to exclude us from Consultation, and after all to take from us all Assent, both in Choice and in Refusal of Pastors to be set over us, and yet to bind us by Decrees; so we may prove (I fear) no less than Soul-Tyranny. I do not press the deserved Right of our Choice of Pastors; but one Thing more lend me patience to add, as a supreme Coronis to all that I have said, for the Right of the Laity to Synods.

Look (I beseech you) in the first Synod that ever was held in the Christian Church, and that for so great and singular a Cause, as never was occasion for the like in the World before, or since. You have it in the First of the Acts of the Holy Apostles, and is for the Choice of a new Apostle. There were in this Synod, and of this Synod the Eleven Apostles, Acts 1. 13. With the Brethren of the Lord, Vers. 14. There were the Disciples; there was Turba, ὄχλος, a Multitude of about 120 Names, Verse 15. St. Peter tells them, that out of that Number one must be ordained to be a Witness of the Resurrection of our Saviour; thereupon what doth the Multitude of Disciples there present? Ἔστησαν δὲ, Verse 23. they place or set two before the Apostles; and the same Men, viz. all the Disciples, v. 26. Ἐδωκαν αὐτοῖς, They give forth their Lots; and thereupon the Lot falling upon Matthias, he was numbred (saith our Translation) with the Eleven Apostles; but the Original is more, συγκατεψηφίσαν, communibus calculis annumeratus est, he was by common Assent, or by common Voices reckoned with the Eleven. Now who were these common Voices? Who were these 120 Men? Evangelists, Bishops, Deacons and Presbyters, or Elders, as yet, there was not one in all the World; the Apostles were but Eleven, perhaps not numbred in this 120; the Disciples, if you will say that they were there, yet they were but 70. So that here is no Evasion; the Laity were present, and not passive only, but they were active in this Original, so weighty a Synod.

My second Instance in this kind is out of the second Council that ever we read was held, and that is Acts 6. where the Apostles call a Council for the Choice of 7 Deacons; Then the Twelve called the multitude of Disciples to them, Verse 2. καὶ ἡ συνήθεια Μαθητῶν, They being assembled, do not say, We have Decreed, we have Ordered, and Ordained, and Enjoined; but their Language is, v. 3. Ἐπισκέψασθε ἀδελφοί, Brethren look you out; the Word is the same as ἐπισκοπεῖν both from ἐπισκοπεῖν, to oversee; Do you oversee among you seven men of honest report. And the saying (as it is vers. 5.) pleased ὁ πᾶς λαός, the whole multitude; there is a Consent of theirs, more plain in ἐλέξαντο, they, the multitude chose seven, Stephen and Philip, &c. οὓς ἔστησαν ἐνώπιον τοῦ Ἀποστόλων, whom they (still the Multitude, τὸ πλῆθος) v. 6. did set or place before the Apostles.



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The Third and the last shall be the Πανεσδολικον, the Great and General Council held by the Apostles upon the Dissentions of the Church in point of Circumcision, (and that is *Acts* 15.) there you shall again find present πᾶν τὸ πλῆθος, v. 12. *all the multitude*. But you will say and object, that the next Word is εἰσέγνωσι, *the multitude kept silence*. True. Ergo, what? Therefore they spake not at all in this Council? Nothing less: But, Ergo, they had spoken before; for it is plain by the Word (THEN) *Then all the Multitude kept silence*. If they had nothing there to do, but to be always silent, this Particle of Time (*Then*) might well have been spared. This may perhaps be objected, and therefore ought to be prevented; for the farther clearing whereof, observe (I pray) the next, ver. 13. where in like manner it is said of Paul and Barnabas, ματὰ τὴν εἰρήνην αὐτῶν, *And after they held their peace*, Ergo, they had spoken: And therefore the Fryar, who collected together the Body of Councils, (*Peter Crabbe, a German*) doth, even from this Place, infer a Consent of the People, saying, *Tacuit omnis multitudo, consentiens Petro*.

But if you will have this more clearly evidenced beyond all Exceptions, pray take notice of the Resolution of this Synod, ver. 22. *Then pleased it the Apostles and Elders, with the whole Church*; What is that? The blessed Apostles and their Fellow-Labourers did not ingross, and (as our Churchmen affect to do) usurp and Monopolize the Word *Church*, as proper only to *Churchmen*; nay, you shall find it in the *Epigraphie* of Canons and Decrees of this True, Holy and Sacred Synod, that the despised Laity are in these Canons conjoin'd with the Blessed Apostles; although Pope and Patriarch, Primate and Metropolitan, Archbishop and Bishops, yea even down to Dean and Archdeacon, (I have heard it) do despise the Thoughts of admitting the Laity, I do not say to Decision, but even to Consultation, nay to the very choice of Consulters; nay lower, even so much as to have a Negative Power, when a Man of Inability, and of Ill Life is obtruded upon them. I proceed; for I would not *orare*, but *probare*; look ver. 22. they that were present had Voices; they who voiced the Canons joined in the Decrees; and sending the Decrees to *Antioch*; the Words are, *All the Apostles, and Elders and Brethren send greeting to the Brethren which are in Antioch, &c.* Here the Brethren at *Jerusalem* are (with the Apostles and the Elders) Actors in, and Authors of the Canons in this Council agreed; there is no Evasion, no Elusion to be had, unless you will prove, that all the Brethren in *Antioch*, to whom these Brethren in *Jerusalem* did write, were only Clergymen.

Which if you should affirm, our Clergy will hardly be pleased with you; for they must then be of the Multitude, nor a special Lot; for *Barnabas* and *Paul* did deliver this Epistle (being the Decrees of this Synod) to the Multitude, τὸ πλῆθος, as it is found in the 30th Verse, *And when they had gathered the multitude together, they delivered the Epistle*.

Thus much in way of pursuit of this one Argument, That no Canons can bind the Laity, where we have no Voice of our own, nor choice of the Clergy-Persons, who do found them, nor Assent in the Susception of them after they are framed; *Quod omnes tangit, ab omnibus tractari debet*.

Mr. Speaker, It remains as a Wish, That every Member of that Meeting, who voted these exorbitant Canons, should come severally to the Bar of the Parliament-House, with a Canon-Book in his Hand; and there, unless he can answer his Catechism (as I call it) and shew what is the Name of their Meeting, and (unless he can manifest, that the Laity are no part of the Church) *conceptis verbis*, in such express Terms as the House shall think fit, to abhor his own ill-begotten Issue, or else be commanded to give fire to his own Canons.

Mr. Na-



Mr. Nathanael Fienes his Speech, Decemb. the 14th, 1640.

Mr. Speaker,

NOW that we are about to brand these *Canons* in respect of the Matter contained in them, it is the proper Time to open the foulness thereof; and tho' much of this hath been anticipated in the general Debate, yet if any thing hath been omitted, or any thing may be farther cleared in that kind, it is for the Service of the House that it should now be done.

Sir, I conceive these *Canons* do contain sundry Matters, which are not only contrary to the Laws of the Land, but also destructive of the very Principal and Fundamental Laws of this Kingdom. I shall begin with the first *Canon*, wherein the Framers of these *Canons* have assumed unto themselves a Parliamentary Power, and that too in a very high degree; for they have taken upon them to define what is the Power of the King, what the Liberty of the Subject, and what Propriety he hath in his Goods; if this be not proper to a Parliament, I know not what is: Nay, it is the highest Matter that can fall under the consideration of a Parliament, and such a Point as wherein they would have walked with more tenderness and circumspection than these bold Divines have done. And surely, as this was an Act of such Presumption, as no Age can parallel; so it is of such dangerous Consequence, as nothing can be more: for they do not only take upon them to determine Matters of this nature, but also, under great Penalties, forbid all Parsons, Vicars, Curates, Readers in Divinity, &c. to speak any other Way of them, than as they had defined; by which Means having seized upon all the Conduits whereby Knowledge is conveyed to the People, how easie would it be for them to Undermine the King's Prerogative, and to suppress the Subjects Liberty, or both?

And now, Sir, I beseech you consider how they have defined this high and great Point. They have dealt with us in matter of Divinity, as the Judges had done before in Matter of Law; they first took upon them to determine a Matter that belonged not to their Judicature, but only to the Parliament; and after by their Judgment they overthrew our Propriety: and just so have these Divines dealt with us; they tell us, That Kings are an Ordinance of God, of Divine Right, and founded in the prime Laws of Nature; from whence it will follow, That all other Forms of Government, as *Aristocracy* and *Democracy*, are wicked Forms of Government, contrary to the Ordinance of God, and prime Laws of Nature; which is such new Divinity, as I never read in any Book, but this Book of *Canons*.

Mr. Speaker, We all know, That Kings, and States, and Judges, and all Magistrates, are the Ordinance of God; but, Sir, give me leave to say, They were the Ordinances of Men, before they were the Ordinances of God. I know I am upon a great and high Point, but I speak by as great, and as high a Warrant, if St. Peter's Chair cannot err (as St. Peter's Epistles cannot) thus he teacheth us, *Submit your selves to every Ordinance of Man for the Lord's sake, whether it be to the King as supream, or to the Governor, as to him that is sent by him, &c.*

Sir, It is worthy Noting, That they are Ordinances of Men, but that they are to be submitted unto for the Lord's sake; and truly one Power is as Just, and their Subjects Allegiance as due unto them, tho' we suppose them to be first Ordinances of Men, and then Confirmed and Established by God's Ordinance, as if we suppose them to be immediate Ordinances of God, and so received by Men. But there was somewhat in it, that these Divines aimed at; I suppose it was this; If Kings were of Divine Right, as the Office of a Pastor in the Church; or founded in the prime Laws of Nature, as the Power of a Father in a Family, then it would certainly follow, that they should receive the Fashion and Manner of their Government only from the Prescript of God's Word, or of the Laws of Nature; and consequently, if there be no Text, neither of the *Old*, nor *New Testament*, nor yet any Law of Nature, That Kings may not make Laws without Parliaments, they may make Laws without Parliaments; and if neither in the Scripture, nor in the Law of Nature, Kings be forbidden to lay Taxes, or any kind of Impositions upon their People without consent in Parliament, they may do it out of Parliament: And that this was their meaning, they express it after in plain Terms; for they say That Subsidies and Taxes, and all manner of Aids are due unto Kings by the Law of God, and of Nature: Sir, if they be due by the Law of God, and of Nature,

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they are due, tho' there be no Act of Parliament for them : Nay, Sir, if they be due by such a Right, a Hundred Acts of Parliament cannot take them away, or make them undue. And, Sir, that they meant it of Subsidies and Aids taken without Consent of Parliament, is clear by that Addition that they subjoyn unto it, that this doth not take away from the Subject the Propriety he hath in his Goods : For had they spoken of Subsidies and Aids given by Consent in Parliament, this would have been a very ridiculous Addition ; for who ever made any Question, whether the giving Subsidies in Parliament did take away from the Subject the Propriety he hath in his Goods, when as it doth evidently imply, they have a Propriety in their Goods ? For they could not give, unless they had something to give ; but because that was alledged as a chief Reason against Ship-Money, and other such Illegal Payments, Levied upon the People without their Consent in Parliament, that it did deprive them of their Propriety which they have in their Goods ; these Divines would seem to make some Answer thereunto ; but in Truth their Answer is nothing else, but the bare Assertion of a Contradiction ; and it is an easy Thing to say a Contradiction, but impossible to reconcile it : for certainly, if it be a true Rule (as it is most true) *Quod meum est, sine Consensu meo non potest fieri alienum* ; to take my Goods without my Consent, must needs destroy my Propriety.

Another Thing in this first Canon, wherein they have assumed unto themselves a Parliamentary Power, is, in that they take upon them to define what is Treason, besides what is determined in the Statute of Treason. They say, to set up any Coactive, Independent Power, is Treasonable, both against God and the King. The Question is not, Whether it be true they say, or no ; but whether they have Power to say what is Treason, and what not ? But now, Sir, that I am upon this Point, I would gladly know what kind of Power that is, which is exercised by Arch-Bishops, Bishops, Deans, Arch-Deacons, &c. Coactive certainly it is, all the Kingdom feels the Lash thereof ; and it must needs be Independent, if it be *Jure Divino*, as they hold it : for they do not mean by an Independent Power, such a Power as doth not depend upon God. Besides, if their Power be dependent, upon whom is it dependent ? Not on the King ; for the Law acknowledgeth no Way whereby Episcopal Jurisdiction can be derived from His Majesty, but by his Commission under the Great Seal, which (as I am informed) they have not. I speak not of the High Commission, but of the Jurisdiction which they Exercise in their Archiepiscopal, Episcopal, Archidiaconal Courts, &c. and therefore, if their own Sentence be Just, we know what they are, and what they have pronounced against themselves. But, Sir, it were worth knowing what they aim'd at in their Independent Coactive Power, which they term *Popular*. I will not take upon me to unfold their Meaning, but we know Dr. Beal had a Hand in the making these *Canons*, and if we apply our Paraphrase to the Text, it may give us some clearness. I remember, amongst other Notes of his, this was one ; That he did acknowledge the King's Supremacy, but would join unto him an Assistant, *viz.* the People ; meaning this House, which being the representative Body of the Commons of *England*, and claiming, as it is so, a share in the Legislative Power, Dr. Beal calleth this a joyning of an Assistant to the King, in whom solely he placeth the Power of making Laws ; and that it is but of Grace, that he assumeth either the Lords or Commons for the making of Laws with him.

Now, Sir, the Legislative Power is the greatest Power, and therefore Coactive ; and it is the Highest Power, and therefore Independent ; and if every State for the proportion it hath therein, should have such Power, it should not have it of Right, as founded in the Fabrick and Frame of the Policy and Government, but of Grace, and by Commission, as Dr. Beal affirmeth. I have done with the first Canon ; only I shall add this, That considering the Principles and Positions that are laid down therein, and comparing them with a Clause towards the end of the Canon, that in no Case imaginable it is Lawful for Subjects to Defend themselves ; we may judge how far forth these *Canons* were to prepare Mens Minds for the Force that was to follow after, if the Accusation against my Lord of *Strafford* be laid aright : For the Matter it self, I hope there will never be any need to dispute that Question ; and I do believe they had as little need to have published that Position, had it not been upon Design.

As for the second Canon, therein also they have assumed to themselves a *Parliamentary Power*, in taking upon them to appoint Holy-Days ; whereas the Statute saith in expresse Words, That such Days shall be only kept as Holy Days, as are named in the Statute, and no other ; and therefore, tho' the Thing may be *bonum*, yet it was not



not done *benè*, because not Ordained by Parliament. Notwithstanding what hath been alledged to the contrary, it seemeth to me to be the appointing of an Holy-Day, to set a Time apart for Divine Service; and to force Men, under Penalties, to leave their Labours and Business, and to be present at it: And of the same Nature is that other Clause in the same *Canon*, wherein they take upon them without Parliament to lay a Charge upon the People, enjoining two Books, at least, for that Day, to be bought at the Charge of the Parish; for by the same Right, that they may lay a Penny on the Parish without a Parliament, they may lay a Pound, or any greater Sum.

As to the third *Canon*, I shall pass it over, only one Observation that my Neighbour of the Long Robe made upon it, seems unto me so good, as that it is worth the repeating: That whereas in the *Canon* against Sectaries there is an especial *Proviso*, That it shall not derogate from any Statute or Law made against them (as if their *Canons* had any Power to Disannul an Act of Parliament) there is no such *Proviso* in this *Canon* against *Papists*; from whence it may be probably conjectured, that they might have drawn some colour of Exemption from the Penal Laws Established against them, from this *Canon*; because it might seem hard, that they should be doubly punished for the same Thing; as we know in the point of Absence from the Church, the Law provideth, That if any Man be first punished by the Ordinary, he shall not be punished again by the Justice.

For the Fourth *Canon* against *Socinianism*, therein also the Canon-makers have assumed to themselves a Parliamentary Power, in determining an Heresy, not determined by Law, which is expressly reserved to the Determination in Parliament. It is true, they say it is a Complication of many Heresies condemned in the Four first Councils, but they do not say what those Heresies are; and it is not possible, that *Socinianism* should be formerly condemned in these Councils; for it is sprung up but of late; therefore they have taken upon them to Determine and Damn an Heresy, and that so generally, as that it may be of very dangerous Consequence: for condemning *Socinianism* for an Heresy, and not declaring what is *Socinianism*, it is left in their Breast whom they will judge and call a *Socinian*. I would not have any Thing that I have said, to be interpreted as if I had spoken in favour of *Socinianism*, which (if it be such as I apprehend it to be) is indeed a most Vile and Damnable Heresy; and therefore the Framers of the *Canons* are the more to blame in the next *Canon* against Sectaries, wherein, besides that in the Preamble thereof, they lay it down for a certain Ground, which the Holy Synod knew full well, that other Sects (which they extend not only to *Brownists* and Separatists, but also to all Persons, that, for the space of a Month, do absent themselves, without a Reasonable Cause, from their own Parish-Churches) do equally endeavour the Subversion of the Discipline and Doctrine of the Church of *England* with the *Papists*, although the worst of Men do not bear any proportion in that respect to the *Papists*: I say, besides that, they make them equal in Crimes and Punishment to the *Papists*, notwithstanding the great disproportion of their Tenets.

There is another Passage in this *Canon* relative to that against *Socinianism*, which I shall especially offer to your Consideration, and that is this; That if a Gentleman coming from beyond Seas, should happen to bring over with him a Book contrary to the Discipline of the Church of *England*, or should give such a Book to his Friend; nay, if any Man should abet, or maintain an Opinion contrary thereunto, tho' it were but in Parliament, if he thought it fit to be altered, by this *Canon* he is Excommunicated *ipso facto*, and lieth under the same Consideration, and is liable to the same Punishment, as if he had maintained an Opinion against the Deity of Christ, and of the Holy-Ghost, and of our Justification by the Satisfaction of Christ.

Sir, If in Things that are in their own Nature indifferent; if in Things disputable, it shall be as heinous to maintain and abet an Opinion, as in the most horrible and monstrous Heresy that can be imagined; What Liberty is left to us as Christians? What Liberty is left to us as Men? I proceed to the Sixth *Canon*, wherein those Canonists have assumed to themselves a Parliamentary Power, and that in a very high Degree, in that they have taken upon them to Impose new Oaths upon the Subjects. Sir, Under favour of what hath been alledged to the contrary, to impose an Oath, if it be not an higher Power than to make a Law, it is a Power of making a Law of most high Nature, and of higher and farther Consequence than any other Law; and I should much rather chuse, that the Convocation should have Power to make Laws to bind Mens Persons, and Mens Estates,



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than that they should have a Power to make Oaths to bind Mens Consciences ; a Law binds no longer than till another Law be made to alter it ; but my Oath binds me as long as I live.

Again : A Law binds either to Obedience, or to undergo the Penalty inflicted by the Law ; but my Oath binds me absolutely to Obedience. And lastly, a Law binds me no longer than I am in the Land, or at the farthest, no longer than I am a Member of the State wherein and whereby the Law is made ; but my Oath, being once taken, doth bind me in all Places, and in all Conditions, as long as I live.

Thus much I thought good to speak concerning the Power of imposing new Oaths. As to the Matter of the new Oath, it is wholly Illegal ; it is against the Law of this Land ; it is against the Law and Light of Nature ; it is against the Law of God ; it is against the Law of this Kingdom, and that no obscure Law, nor concerning any mean or petty Matters ; it is against the Law of the King's Supremacy, in that it maketh Archbishops, Bishops, Deans, Arch-Deacons, &c. to be *Jure Divino* ; whereas the Law of this Land hath annexed to the Imperial Crown of this Realm, not only all Ecclesiastical Jurisdiction, but also all Superiority over the Episcopal State, and it is to be derived from him by Commission under the Great Seal, and consequently it is *Jure Humano*. Again, It is against the Oath of Supremacy, Established by Law, Point-blank ; for therein I am Sworn, not only to Consent unto, but also to Assist, and to the utmost of my Power, to Defend all Jurisdictions, Preeminencies, &c. annexed to the Imperial Crown of this Realm, of which this is one, (and that which immediately precedeth this Oath in the Statute, and whereunto it doth especially relate) that His Majesty may Exercise any Jurisdiction, or Ecclesiastical Government by his Commission under the Great Seal, directed to such Persons as he shall think meet ; so that if he shall think other Persons more meet than Archbishops, Bishops, &c. I am Sworn in the Oath of Supremacy, not only to Assent thereunto, but to Assist, and to the uttermost of my Power, to Defend such an Appointment of His Majesty ; and in the new Oath I Swear never to consent unto such an Alteration.

In the like manner it is against the Law and Light of Nature, that a Man should Swear, or Answer (&c.) to he knows not what : It is against the Law and Light of Nature, that a Man should swear never to consent to alter a Thing, that in its own Nature is alterable, and may prove inconvenient, and fit to be altered.

Lastly, It is against the Law of God ; for whereas there are three Rules prescribed to him that will swear aright ; that he swear in Judgment, in Truth and Righteousness ; He that shall take this new Oath, must needs break all these Three Rules ; He cannot swear in Judgment, because his Oath is so full of Ambiguities, that he cannot tell what he swears unto ; not to speak of the Extravagant Ambiguity of the &c. there is scarce one Word that is not ambiguous in the principal Parts of the Oath. As first, what is meant by the Church of *England*, whether all the Christians in *England*, or whether the Clergy only, or only the Archbishops, Bishops, Deans, &c. or whether the Convocation, or what ? In like manner it is as doubtful what is meant by the Discipline, and what by the Doctrine of the Church of *England* ; for what some call superstitious Innovations, others affirm to be consonant to the Primitive, and that the purest Reformation, in the time of *Edw. 6.* and in the beginning of the Reign of *Queen Elizabeth* : And as for the Doctrine of the Church of *England*, if all the Positions that of later Years have been challenged by some Divines to be *Arminian* and *Popish*, and contrary to the Articles of our Religion ; and which, on the other side, have been Asserted and Maintained as consonant to the Doctrine of our Church : and if the Articles of Religion were gathered together, they might make a pretty Volume : Nay, *Sancta Clara* will maintain, in despite of the *Puritan*, That the Doctrine of the Church of *Rome* is the Doctrine of the Church of *England*. Truly, it were fit that we knew what were the Doctrine and Discipline of the Church of *England*, before we swear to it : And then, Sir, give me leave to say, That I should be very loth to swear to the Discipline, or to the Doctrine or Tenets of the Purest Church in the World, as they are collected by them, farther than they agree with the Holy Scriptures.

Lastly, It is so doubtful what is meant by the Doctrine and Discipline Established, and what by altering and consenting to alter ; whether that which is accepted or established by any Act of Parliament ? Or whether that also that is Established by Canons, Injunctions, &c. And whether it shall not extend to that which is Published by our Divines with the Allowance of Authority ; and so for consenting to alter, whether it be only meant, that a Man shall not be Active in altering, or whether it extends



to any Consent, and so that a Man shall not submit to it, nor accept of it, being altered by the State? 16 Caroli.

More Ambiguities might be shewn, but these are enough to make it clear, That he that shall take this Oath, cannot swear in Judgment: Nor can he swear in Truth; for it is full of Untruths: It is not true, that Discipline is necessary to Salvation. It is not true, that Archbishops, Bishops, Deans, Archdeacons, &c. are *Jure Divino*, as they must needs be, if the Law-makers ought of right to Establish them, as they are Established; for the Law-makers are not bound, as of right, to frame their Laws to any other than the Laws of God alone. Now whether the Bishops be *Jure Divino*, we know it is a Dispute among the Papists, and never did any Protestant hold it, till of late Years; but that Archbishops, Deans, Archdeacons, &c. should be *Jure Divino*, I do not know that ever any Christian held it before; and yet he that taketh this Oath must swear it.

Lastly, As he that taketh this Oath cannot swear in Judgment, nor in Truth, so neither can he swear in Righteousness; for it is full of Unrighteousness, being indeed (as hath been well opened) a Covenant in Effect against the King and Kingdom: For if the whole State should find it necessary to alter the Government by Archbishops, and Bishops, a great part of the Kingdom, especially of the Gentry, (for not only the Clergy, but all that take Degrees in the University are bound to take it) will be pre-engaged not to consent to it, or admit of it. Again, It is a great wrong to those that shall be Parliament-men, that their Freedom shall be taken away, being bound up by an Oath, not to consent to the altering of a Thing, which it may be fit and proper for a Parliament to alter; and suppose that for the present it be no hindrance to the Service of God, nor yet burthensome to the King and Kingdom, yet if it should prove so hereafter, for a Man to be bound by an Oath never to consent to alter it, may be a great Wrong to God in his Service, and to the King and Kingdom in their Peace and Welfare; and therefore this Oath cannot be taken in Righteousness.

For the other Oath, *De Parendo Juri Ecclesie, & stando Mandatis Ecclesie*, tho' it makes less Noise than the other, yet it is not of less dangerous Consequence. If I remember well the Story, this was the Oath that the Pope made King John to take, and when he had sworn *stare Mandatis Ecclesie*, the Pope commanded him to Resign his Kingdom to him: And truly be he Gentleman, or Nobleman, or whatever else, when he hath once put his Neck into this Noose, his Ghostly Fathers may drag him whither they will; for they have the Quantity and the Quality of the Penance in their own Breast; and if they shall enjoin him to give any Sum towards the Building of a Church, or the Adorning of a Chapel, he must pay it; or if they should enjoin him any servile, base Action, (as there are not wanting Examples of that kind in the time of Popery) they are sworn *Stare Mandatis Ecclesie*, and so cannot recede, but must perform it: Nay, I dare not warrant any Man from the Rods of Henry the Second, or of Raymond of Tholouze. What hath been done, may be done; I am sure the Power is the same. And that other Oath also (tho' more usually in Practice, and more confirmed by these new Canons) which is Administred to Church-wardens, would be looked into; for it is hardly possible for them that take it, not to be forsworn, being they swear to so many Particulars, that they cannot mind; and to some that they cannot understand; as how many Church-wardens are there in England that understand what *Socinianism* is, in case they be sworn to present the Offenders against that Canon which concerns that Matter? I shall only add a Word or two concerning two Canons more, which seem to be Canons of Reformation.

The first is concerning Excommunication to be pronounced only by a Divine; wherein it is alledged for the Framers of these Canons, That if they have not more Law on their Sides, yet they may seem to have more Reason. For my part, as in all other Things, I think they have so mended the Matter, that they have made it far worse; for before, that which was found fault with was this; That a Lay-man did that which the Grave Divine should have done; and now the Grave Divine must do whatever the Layman would have done: For the cognizance of the Cause, and the Power of Judicature is wholly in the Layman; only the Grave Divine is to be his Servant, to Execute his Sentences, and hath such a kind of managing the Spiritual Sword allowed only to him, as the Papists, in some Cases were wont to afford unto the Civil Magistrate, in respect of the Temporal Sword: For as if the Civil Sword by an Implicit Faith had been pinned to the Lawn-Sleeves, they Condemned Men of Heresy, and then deliver'd them over to the Secular Power: But what



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what to do? Not to have any Cognizance of the Cause nor to Exercise any Power of Judicature, but only to be their Executioners, and to burn the Hereticks whom they had condemned; and so they judged Men Excommunicate, and then the Civil Power was to send out Writs *de Excommunicato Capiendo* against them: But one said well, That the Sword, without Cognizance of the Cause of Judgment, was like *Polyphemus* without his Eye, it became Violence and Fury; but being accompanied with the Eye of Judgment, it is Equity and Justice: And surely, where the Spiritual or Civil Governor is called upon to strike, he must be allowed to see, and judge whom, and where he strikes; otherwise he will be able to give but an ill Account to God of the Managing of the Sword wherewith he is intrusted.

The other Canon is the last Canon, against Vexatious Citations, wherein they seem to have sense of the great Grievances that poor People lye under, by occasion of vexatious Citations and Molestations in Ecclesiastical Courts; and I verily believe, that there is not a greater Oppression in the whole Kingdom upon the poorer sort of People, than that which proceedeth out of these Courts. But now, Sir, let us see what Provision they have made against it by this Canon.

They say, because great Grievances may fall upon People by Citations, upon pretence only of the Breach of that Law, without any Presentment or any other just Ground; that no Citations grounded only as aforesaid, shall issue out, except it be under the Hand and Seal of the Chancellor, Commissary, Arch-Deacon, or other competent Judge: So that (if there be any Sense in these Words) tho there be no Presentment at all, nor any other just Ground, yet a Citation may issue out, so it be under the Hand and Seal of the Chancellor, Commissary, or other Competent Judge; and the Party shall not be discharged without Paying his Fees, nor have any Relief by this Canon. But suppose the Citation be not under the Hand and Seal of any competent Judge, and that there was neither Presentment nor any just ground for it, shall he then be dismissed without paying any Fees? No, unless first, contrary to the Laws of Nature, there being no Presentment, nor just ground of Accusation against him, he shall by his Oath purge himself of pretended Breaches of Law, and then too he shall only have the Fees of the Court remitted, but shall have no satisfaction for his Troublesome and Chargeable Journeys, and for the loss of his Time, and being drawn away from his Affairs: Nay, lest they should seem to have been too liberal of their Favour, they add a *Proviso* in the Clause of the Canon, That this Grace of theirs shall not extend to any Grievous Crime, as Schism, Incontinency, Misbehaviour in the Church, or Obstinate Inconformity. And what do they call Misbehaviour in the Church? If a Man do not kneel at the Confession, or have his Hat on when the Lessons are reading. In like manner, What do they call *Obstinate Inconformity*? If a Man will not think what they would have him think; if a Man will not say what they would have him say; if a Man will not swear what they would have him swear; if a Man will not read what they would have him read; if a Man will not Preach what they would have him Preach; if a Man will not Pray what they would have him Pray: In short, if a Man will not do whatever they would have him do, then he is an Inconformist: And after that they have duly Admonished him *primò, secundò, tertio*, all in one Breath, then he is contumacious, then he is an obstinate Inconformist.

Now, Sir, my humble Motion is, That in consideration of all the Premises, and what besides hath been well laid open by others, we should proceed to damn these Canons, not only as contrary to the Laws of *England*, but also as containing sundry Matters destructive of the Rights of Parliament, of the Fundamental, and other principal Laws of this Kingdom, and other ways of very dangerous Consequence.

Sir



## Sir Benjamin Rudyard's SPEECH about the Canons.

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Mr. Speaker,

A Man may easily see to what tend all these Innovations and Alterations in Doctrine and Discipline, and without a Prospective discover afar off the toilsomeness of these spiritual Engineers, to undermine the old and true Foundations of Religion, and to establish their tottering Hierarchy in room thereof; which, lest it should not hold, being built with untempered Mortar, you see how careful they are by a vast Oath to force Mens Consciences not to alter their Government Archiepiscopal, &c.

Sir Benj. Rudyard's Speech,  
Dec. 15. 1640.

Mr. Speaker, The Thoughts of the Righteous are right, but the Councils of the Wicked are deceit, and nothing else in their Hearts but Destruction and Devastation; but to the Councillors of Peace is Joy; as long as they kept themselves within the circuit of spiritual Commerce, and studied to keep Mens Hearts upright to God, and his Truth, there was no such complaining in our Streets of them, nor had we ever seen so many Thousands against them, as now there are come in: and no marvel, tho' God withdrew so many Hearts and Hands from them, who have turned so many out of the Way of Truth; *via tuta* they have stopt up, but *via devia* they have enlarged, and left open, as appears by their crooked Canons.

Mr. Speaker, I shall not go about to overthrow their Government in the Plural, but to limit and qualify it in some Particulars; for as Sir Francis Bacon long since well observ'd, there were two things in the Government of Bishops, of which he could never be satisfied; no more am I. The first was, the sole Exercise of their Authority: And secondly, The Deputation of that Authority. But Mr. Speaker, I shall not now dispute of either; for my own Part, I love some of them so well, and am so charitable to the rest, that I wish rather their Reformation, than their Ruin: but let me tell you withal, That if we shall find among them any Proud Becket, or Woolsey-Prelates, who stick not to write, *Ego & Rex meus*; or if there shall be found any Bonners, &c. such, I profess, I would not spare, for they will spare none: but if in the counterbalance there may be found but one good Cranmer, or one good Latimer or Ridley, I would esteem and prize them (as rich Jewels) fit to be set in the King's own Cabinet: for such, I am sure, will pray for the Peace of Jerusalem, and for the Peace of King Charles, and his Three Kingdoms, which God long preserve in Concord and Unity. But, Mr. Speaker, we must also be Actors in the Preservation of Religious Concordance, which will never be safe nor well at quiet, until these heavy, drossy Canons, with all their base Metal, be melted and dissolved: Let us then dismount them, and destroy them, which is my humble Motion.

Ordered to morrow at Nine of the Clock to take into further Consideration these Particular Canons in respect of their Matter.

The Sub-Committee for Mr. Pool's Business is made a Select Committee from this House, with the addition of Sir Gilbert Gerrard, Mr. Stevens, Mr. Dutton, Mr. Young, Mr. Paul Wheeler, and with Power to assign and hear Council, and to receive all Petitions that may have relation to this Business.

Pool's Sub-Committee.

The whole matter concerning Mr. John George, a Member of this House, is recommitted to the same Committee formerly appointed to examine the Complaint exhibited against the said Mr. George, with Power to send for the Patents of Conservacy, and the Patent for Amerciaments, and are to deliver their Opinions to the House upon the whole matter: And they are likewise to take into consideration all Patents and Commissions whatsoever concerning the pretended Conservacy of Waters; And are to meet to Morrow in the Afternoon at Two of the Clock in the Exchequer Court.

Resolved upon the Question,

That the Election of Sir Edward Bishop for one of the Burgesses for the Borough of Bramber in Suffex, is void.

Sir Edward Bishop.

That



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That Sir *Edward Bishop* is incapable of any Election to be a Member of this House for this Parliament.

Ordered, A Warrant to issue forth under Mr. *Speaker's* Hand directed to the Clerk of the Crown, for a new Writ for a new Election of a Burges to serve in this present Parliament, for the said Town of *Bramber*.

Bramston.

Ordered, That *John Bramston* for his Abuses in his Answer to the Committee for Privileges, be forthwith sent for as a Delinquent by the Serjeant at Arms attending on this House.

Malleverer  
and Moyser.

The Petition of Mr. *Malleverer*, and Mr. *Moyser*, complaining of Grievance in the Case of Knighthood-Money, is referred to the Committee that is appointed to prepare the Charge against the Lord Keeper and the Judges.

City and  
Subsidies.

The Burgeses of *London* are intreated to acquaint the City from this House, That this House does intend with all the speed and care they can, the Expedition of the Bill of Subsidies.

A Message from the Lords by the Two Lord Chief Justices.

Message  
touching the  
Treaty with  
the Scots.

THE Lords do desire a Conference presently in the Painted Chamber, if it may stand with the Conveniency of this House, by a Committee of both Houses, touching the Treaty of the Weighty Affairs with the Scots.

Answer returned by the same Messengers,

That this House has taken into Consideration the Message from the Lords, and they are now in the Debate of a great Business, and will send Answer by Messengers of their own in convenient Time.

The Debate about the Canons having been reassumed,

Resolved upon the Question, Nemine Contradicente,

Votes con-  
cerning the  
Convocation  
and Synod,  
*Nemine Contra-*  
*dicente.*

That the Clergy of *England* convened in a Convocation or Synod, or otherwise, have no Power to make any Constitutions, Canons, or Acts whatsoever in Matter of Doctrine, Discipline, or otherwise, to bind the Clergy, or the Laity of the Land, without common Consent in Parliament.

Resolved upon the Question, Nemine Contradicente,

Resolutions  
that the Ca-  
nons are Ille-  
gal.

That the Canons and Constitutions Ecclesiastical, treated upon by the Archbishops of *Canterbury* and *York*, Presidents of the Convocations for the respective Provinces of *Canterbury* and *York*, and the rest of the Bishops, and Clergy of these Provinces, and agreed upon with the King's Majesty's License in their several Synods began at *London* and *York* in the Year 1640. do contain in them Matters contrary to the King's Prerogative, to the fundamental Laws and Statutes of the Realm, to the Rights of Parliament, to the Property and Liberty of the Subjects, and Matters tending to Sedition, and of dangerous Consequence.

Resolved upon the Question, Nemine Contradicente.

That the several Grants of the Benevolence or Contribution granted to his most Excellent Majesty by the Clergy of the Provinces of *Canterbury* and *York*, in the several Convocations or Synods holden at *London* and *York*, Anno Dom. 1640. are contrary to the Laws, and ought not to bind the Clergy.

Mr. Pym,



Mr. Pym,  
Mr. Hollis,  
Sir Francis Seymour,  
Sir Walter Earle,  
Sir John Hotbam,  
Sir Guy Palmes,  
Sir Edw. Hungerford,  
Mr. Bagshaw,  
Sir Henry Anderson,  
Mr. Glyn,  
Mr. Grimston,  
Sir Miles Fleetwood,  
Sir John Strangeways,  
Mr. Hambden,  
Mr. Nath. Fienes,  
Sir Edw. Deering,  
Sir Tho. Barrington,  
Sir Robert Harley,  
Mr. Young,  
Mr. Arthur Goodwin,

Mr. Strangeways,  
Sir William Litton,  
Sir Gilbert Gerrard,  
Sir Hugh Cholmley,  
Sir Oliver Luke,  
Mr. Perd,  
Sir Robert Howard,  
Mr. Coke,  
Mr. White,  
Mr. Rigby,  
Sir Tho. Widdrington,  
Mr. Palmer,  
Mr. Maynard,  
Mr. Whistler,  
Mr. Pelham,  
Mr. St. Johns,  
Mr. Rogers,  
Mr. Whitlock,  
Mr. Weston.

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Committee  
to prepare  
the Votes of  
the Com-  
mons, &c.  
for a Charge  
against the  
Archbishop  
of Canterbury.

This Committee is to prepare the several Votes concerning the New Canons, and to make them ready for this House, to present the same to the Lords, and to consider and examine who were the Promoters of those New Canons, and who the Principal Actors, and what Execution has been made upon them, and by whom; and to consider how far in particular the Lord Archbishop of *Canterbury* hath been an Actor in the great Design of the Subversion of the Laws of the Realm, and of the Religion; and to prepare and draw up a Charge against him, and such others as shall appear Offenders in these Particulars; and have Power to send for Parties, Witnesses, Papers, Books, Records, and to do any other Act which they in their Judgments shall think fit to conduce to this Business, and to meet this Afternoon at Four of the Clock in the *Star-Chamber*.

The same Day the *Scots* Commissioners accused the said Archbishop, and next Morning brought in a Complaint in Writing against him, which was read by the Lord *Paget*, and after that reported to the Commons-House as followeth.

*The Charge of the Scottish Commissioners against the Prelate of Canterbury. Exhibited to the Lords House, Dec. 17. 1640.*

*Scots Charge  
against the  
Archbishop.*

**N**Ovations in Religion, which are universally acknowledged to be the main Cause of Commotions in Kingdoms and States, and are known to be the true Cause of our present Troubles, were many and great, besides the Book of Ordination, and Homilies.

1. Some Particular *Alterations* in Matters of Religion, pressed upon us *without Order*, and *against Law*, contrary to the Form Established in our *Kirk*.
2. A new Book of *Canons and Constitutions* Ecclesiastical.
3. A *Liturgy*, or *Book of Common Prayer*, which did also carry with them many *Dangerous Errors* in matters of *Doctrine*. Of all which we challenge the Prelate of *Canterbury* to be the *Prime Cause* on Earth.



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And first, That this Prelate was the Author and Urger of some Particular Changes, which made great Disturbance amongst us, we make manifest,

1. By *Fourteen* Letters subscribed, *W. Cant.* in the space of two Years, to one of our pretended Bishops, *Bannatine*, wherein he often enjoineth him, and other Pretended Bishops, to appear in the Chapel in their *Whites*, contrary to the Custom of our *Kirk*, and to his own Promise made to the pretended Bishop of *Edinburgh*, at the Coronation, That none of them after that Time, should be pressed to wear these Garments; thereby moving him against his Will to put them on for that time; wherein he directed him to give order for saying the *English Service* in the Chapel twice a Day; for his neglect, shewing him that he was disappointed of the Bishoprick of *Edinburgh*; promising him upon his greater care of these Novations, Advancement to a better Bishoprick; taxing him for his boldness in preaching the sound Doctrine of the Reformed *Kirk* against Mr. *Michel*, who had taught the Errors of *Arminius*, in the point of the *Extent of the Mercy of Christ*; bidding him send up a List of the Names of Councillors and Senators of the College of Justice, who did not communicate in the Chapel in a Form which was not received in our *Kirk*; commending him when he found him obsequious to these his Commands, telling him that he had moved the King the second time for the Punishment of such as had not received in the Chapel: and wherein he upbraided him bitterly, that in his first Synod at *Aberdeen*, he had only *disputed* against our Custom of *Scotland*, of *fasting sometimes on the Lord's Day*, and presumptuously censuring our *Kirk*, that in this we were opposite to *Christianity* it felt; and that amongst us there were no *Canons* at all: More of this stuff may be seen in the Letters themselves.

Secondly, by two Papers of *Memoirs* and *Instructions* from the Pretended Bishop of Saint *Andrews*, to the Pretended Bishop of *Rosse*, coming to this Prelate for ordering the Affairs of the *Kirk*, and Kingdom of *Scotland*, as not only to obtain Warrants to order the Exchequer, the Privy Council, the Great Commission of Surrenders, the Matter of *Balmerino's* Process, as might please our Prelates, but Warrants also for sitting of the High Commission Court once a Week in *Edinburgh*; and to gain from the Noblemen, for the benefit of Prelates and their Adherents, the Abacies of *Kelso*, *Arbroith*, *St. Andrews*, and *Lindors*: And in the smallest Matters to receive his Commands; As for taking down *Galleries*, and *Stone Walls*, in the Kirks of *Edinburgh*, and *St. Andrews*, for no other End, but to make way for *Altars*, and *Adoration* towards the *East*; which besides other Evils, made no small noise and disturbance amongst the People, deprived hereby of their ordinary Accommodation for Publick Worship.

The Second Novation which troubled our Peace, was a Book of *Canons* and *Constitutions* Ecclesiastical, obtruded upon our *Kirk*, found by our General Assembly to be devised for Establishing a Tyrannical Power in the Persons of our Prelates, over the Worship of God, over the Consciences, Liberties and Goods of the People: and for Abolishing the whole Discipline and Government of our *Kirk* by *General* and *Provincial* Assemblies, *Presbyteries*, and *Kirk-sessions*, which was settled by Law, and in continual Practice since the Time of *Reformation*; That *Canterbury*, was Master of this Work, is manifest by a Book of *Canons* sent to him, written upon the one side only, with the other side blank, for Corrections, Additions, and putting all in better order, at his pleasure; which accordingly was done, as may appear by *Interlinings*, *Marginals*, and filling up of the *Blank Page* with Directions sent to our Prelates; and that it was done by no other than *Canterbury*, is evident by his Magisterial Way of prescribing, and by a new Copy of these *Canons*, all written with *St. Andrew's* own Hand, precisely to a Letter, according to the former Castigations, sent back for procuring the King's Warrant unto it, which accordingly was obtained, but with an Addition of some other *Canons*, and a Paper of some other Corrections: According to which the Book of *Canons* thus composed, was published in Print; the Inspection of the Books, Instructions, and his Letters of *Joy*, for the Success of the Work, and of other Letters of the Prelates of *London*, and the Lord *Sterling*, to the same Purpose, all which we are ready to exhibit, will put the Matter out of all Debate.

Besides this general, there be some things more special, worthy to be adverted unto for discovering his Spirit. As 1. The 4th Canon of Cap. 8. *Forasmuch as no Reformation in Doctrine, or Discipline, can be made perfect at once in any Church; therefore it shall and may be lawful for the Church of Scotland at any time to make Remonstrances to His Majesty, or His Successors, &c.* Because this Canon holdeth the Door open to more Innovations, he writeth to the Prelate of *Rosse*, his Privy Agent in all this Work, of his great gladness, that this Canon did stand *behind the Curtain*; and hi



great desire, that this Canon might be printed *fully*, as one that was to be most useful. Secondly, The Title prefixed to these Canons by our Prelates, *Canons to be agreed upon to be proponed to the severall Synods of the Kirk of Scotland*, is thus changed by *Canterbury*, *Canons and Constitutions Ecclesiastical, &c. Ordained to be observed by the Clergy*. He will not have Canons to come from the Authority of *Synods*, but from the Power of *Prelates*, or from the King's *Prerogative*. Thirdly, the formidable Canon, *Cap. 1. 3.* threatening no less than *Excommunication* against such Persons whosoever shall open their Mouths against any of these Books, proceeded not from our Prelates, nor is to be found in the Copy sent from them, but is a *Thunderbolt* forged in *Canterbury's* own Fire. 4. Our Prelates in divers Places witness their dislike of *Papists*. A Minister shall be deposed, if he shall be found *Negligent to Convert Papists*, chap. 18. 15. The *Adoration of the Bread is a Superstition to be Condemned*, cap. 6. 6. They call the Absolute Necessity of Baptism, *An Error of Popery*, cap. 6. 2. But in *Canterbury's* Edition, the Name of *Papists* and *Popery*, is not so much as mentioned. 5. Our Prelates have not the Boldness to trouble us in their Canons with *Altars, Fonts, Chancels, Reading of a long Liturgy before Sermon, &c.* But *Canterbury* is punctual and peremptory in all these. 6. Although the Words of the Tenth Canon, *chap. 3.* be fair, yet the wicked Intentions of *Canterbury* and *Rosse*, may be seen in the Point of *Justification* of a Sinner before God, by comparing the Canon as it came from our Prelates, and as it was returned from *Canterbury*, and Printed: Our Prelates say thus; *It is manifest, that the Superstition of former Ages hath turned into a great Profaneness, and that People are grown cold for the most part in doing any good, thinking there is no Place to Good Works, because they are excluded from Justification: Therefore shall all Ministers, as their Text giveth Occasion, urge the Necessity of Good Works, as they would be saved; and remember that they are Via Regni, the Way to the Kingdom of Heaven, tho' not Causa Regnandi, howbeit they be not the Cause of Salvation.* Here *Ross* giveth his Judgment, *That he would have this Canon simply commanding Good Works, to be preached, and no mention made what Place they have, or have not, in Justification.* Upon this Motion so agreeable to *Canterbury's* Mind, the Canon is set down as it standeth, without the Distinction of *Via Regni*, or *Causa Regnandi*, or any Word sounding that Way, urging only the Necessity of Good Works. 7. By comparing *Can. 9. chap. 18.* as it was sent in writing from our Prelates, and as it is printed at *Canterbury's* Command, may be also manifest, that he went about to establish *Auricular Confession*, and *Popish Absolution*. 8. Our Prelates were not acquainted with Canons for inflicting of *Arbitrary Penalties*: But in *Canterbury's* Book, wheresoever there is no Penalty expressly set down, it is provided, *That it shall be Arbitrary, as the Ordinary shall think fittest.* By these and many other the like, it is apparent, what Tyrannical Power he went about to establish in the Hands of our Prelates, over the Worship and the Souls and Goods of Men, overturning from the Foundation the whole Order of our Kirk; what Seeds of *Popery* he did sow in our Kirk, and how large an Entry he did make for the grossest Novations afterwards, which hath been a main Cause of all their Combustion.

The Third and Great Novation was *The Book of Common-Prayer*, Administration of the Sacraments, and other Parts of Divine Worship, brought in without Warrant from our Kirk, to be universally Received, as the *only* Form of Divine Service, under all highest Pains both Civil and Ecclesiastical; which is found by our National Assembly, (besides the *Popish* Frame and Forms in Divine Worship,) to contain many *Popish* Errors and Ceremonies, and the Seeds of manifold and gross Superstitions and Idolatries, and to be repugnant to the Doctrine, Discipline, and Order of our Reformation, to the *Confession of Faith*, Constitutions of General Assemblies, and Acts of Parliament, establishing the true Religion; that this also was *Canterbury's* Work, we make manifest,

By the *Memoirs* and Instructions sent unto him from our Prelates; wherein they gave a special Account of the Diligence they had used, to do all which herein they were enjoined, by the Approbation of the *Service-Book* sent to them; and of all the Marginal Corrections, wherein it varieth from the *English Book*, shewing their desire to have some few Things changed in it; which notwithstanding, was not granted: This we find written by *St. Andrews* own Hand, and subscribed by him, and nine other of our Prelates.

By *Canterbury's* own Letters, Witnesses of his Joy, when the Book was ready for the Press; of his Prayers that God would speed the Work; of his hope to see that Service set up in *Scotland*; of his diligence to send for the Printer, and directing him to prepare a *Black Letter*, and to send it to his Servants at *Edinburgh*, for Printing



An. 1640.

ing this Book; of his Approbation of the Proofs sent from the Press; of his fear of Delay in bringing the Work speedily to an End, for the great Good (not of *That Church*, but) of *The Church*; of his Encouraging *Rosse*, who was intrusted with the Press, to go on in this Piece of Service without fear of Enemies: All which may be seen in the *Autographs*, and by Letters sent from the Prelate of *London* to *Rosse*, wherein as he rejoiceth at the sight of the *Scotish Canons*, which altho' it should make some noise at the beginning, yet they would be more for the Good of the Kirk, than the Canons of *Edinburgh* for the good of the Kingdom: So concerning the *Liturgy* he sheweth, That *Rosse* had sent to him to have an Explanation from *Canterbury*, of some Passages of the Service-Book, and that the Press behoved to stand till the Explanation come to *Edinburgh*, which therefore he had in haste obtained from his Grace, and sent the Dispatch away by *Canterbury's* own Conveyance.

But the *Book it self*, as it standeth Inter-lined, Margin'd, and Patcht-up, is much more than all that is expressed in his Letters; and the Changes and Supplements themselves, taken from the *Mass-Book*, and other *Romish Rituals*, by which he maketh it to vary from the Book of *England*, are more pregnant Testimonies of his Popish Spirit and Wicked Intentions, which he would have put in Execution upon us, than can be denied. The *Large Declaration* professeth, That all the Variation of our Book from the Book of *England*, that ever the King understood, was in such Things as the *Scotish Humours* would better comply with, than with that which stood in the *English Service*. These Popish Innovations therefore have been surreptitiously inserted by him, *without the King's Knowledge*, and against his Purpose. Our *Scotish Prelates* do Petition, That somewhat may be abated of the *English Ceremonies*, as the *Cross* in Baptism, the *Ring* in Marriage, and some other Things. But *Canterbury* will not only have these kept, but a great many more, and worse, super-added; which was nothing else but the adding of Fuel to the Fire. To express and discover all, would require a whole Book; we shall only touch some few in the Matter of the *Communion*.

This Book inverteth the Order of the Communion in the *Book of England*, as may be seen by the Numbers, setting down the Orders of this New Communion, 1. 5. 2. 6. 7. 3. 4. 8. 9. 10. 15. Of the divers *secret Reasons* of this Change, we mention one only, In joining the Spiritual Praise and Thanksgiving, (which is in the *Book of England*, pertinently after the Communion) with the Prayer of *Consecration* before the Communion, and that under the Name of Memorial, or *Oblation*, for no other end, but that the Memorial and Sacrifice of Praise, mentioned in it, may be understood according to the Popish Meaning. *Bellarmin de Missa. Lib. 2. Cap. 21.* Not of the *Spiritual Sacrifice*, but of the *Oblation* of the Body of the Lord.

It seemeth to be no great Matter, that without Warrant of the *Book of England*, the Presbyter going from the *North End* of the Table, shall stand during the Time of Consecration, at such a part of the Table, where he may with the more Ease and Decency use both Hands; yet being tryed, it importeth much, as, that he must stand with his hinder Parts to the People, representing (saith *Durand*.) that which the Lord said of *Moses*, *Thou shalt see my hinder Parts*; he must have the Use of both his Hands, not for any Thing he hath to do about the Bread and Wine; for that must be done at the *North-end* of the Table, and be better seen of the People; but (as we are taught by the *Rationalists*) that he may be stretching forth his Arms, to Represent the *Extension of Christ* on the Cross; and that he may the more conveniently lift up the Bread and the Wine above his Head, to be seen and Adored of the People: Who in the Rubrick of the General Confession, a little before, are directed to *Kneel humbly on their Knees*, that the Priests *Elevation* so magnified in the *Mass*, and the Peoples Adoration may go together; That in this Posture, speaking with a low Voice and Muttering (for sometimes he is Commanded to speak with a loud Voice and Distinctly;) he be not heard by the People, which is no less a mocking of God and his People, than if the Words were spoken in an *Unknown Language*. As there is no Word of all this in the *English Service*; so doth the Book in King *Edward's* time, give to every Presbyter his Liberty of *Gesture*, which yet gave such Offence to *Bucer*, the Censurer of the Book: And even in *Cassander's* own Judgment, a Man of great Moderation in Matters of this kind, that he calleth them, *Nunquam satis Execrandos Missæ gestus*, and would have them to be Abhorred, because they confirm to the Simple and Superstitious *ter Impiam & Exitialem Missæ fiduciam*. The Corporeal Presence of Christ's Body in the Sacrament, is also to be found here: For the Words of the *Mass-Book* serving to this Purpose, which are sharply considered by



by *Bucer* in King *Edward's* Liturgy, and are not to be found in the Book of *England*, are taken in here: Almighty God is incalled, That of his Almighty Goodness he may vouchsafe so to bless and sanctifie with his Word and Spirit, these Gifts of Bread and Wine, That *they may be unto us the Body and Blood of Christ*.

The Change here is made a Work of God's Omnipotency: The Words of the Mass *ut fiant Nobis*, are Translated in King *Edward's* Book, *That they may be unto us*; which are again turned into Latin by *Alesius*, *ut fiant Nobis*. On the other Part, the Expressions of the Book of *England*, at the delivery of the Elements, of *feeding on Christ by Faith*, and of Eating and Drinking in Remembrance that Christ Died for thee, are utterly deleted. Many Evidences there be in this Part of the Communion of the Bodily Presence of Christ, very agreeable to the Doctrines taught by his Secretaries, which this Paper cannot contain. They teach us that Christ is Received in the Sacrament Corporaliter, both Objective and Subjective. *Corpus Christi est objectum quod Recipitur, & Corpus nostrum Subjectum quo Recipitur*.

The Book of *England* Abolisheth all that may import the Oblation of any Unbloody Sacrifice; but here we have besides the Preparatory Oblation of the Elements, (which is neither to be found in the Book of *England*, nor in King *Edward's* Book of old) the Oblation of the Body and Blood of Christ, which *Bellarmino* calleth, *Sacrificium Laudis, quia Deus per Illud magnopere Laudatur*. This also agreeth well with their late Doctrine: We are ready when it shall be judged convenient, and we shall be desired, to discover much more Matters of this kind, as Grounds laid for *missa sicca*, or the *half Mass*; the private Mass without the People; of Communicating in one kind, of the Consumption by the Priest, and Consummation of the Sacrifice; of Receiving the Sacrament in the Mouth, and not in the Hand, &c.

Our Supplications were many against these Books, but *Canterbury* procured them to be answered with terrible Proclamations. We were constrained to use the Remedy of Protestation; but for our Protestations, and other lawful Means which we used for our Deliverance, *Canterbury* procured us to be declared *Rebels and Traitors* in all Parish-Kirks of *England*; when we were seeking to possess our Religion in Peace, against these Devices and Novations, *Canterbury* kindled War against us. In all these it is known that he was, although not the Sole, yet the Principal Agent, and Adviser.

When by the Pacification at *Berwick* both Kingdoms looked for Peace and Quietness, he spared not openly in the hearing of many, often before the King, and privately at the Council Table, and the Privy Juncto, to speak of us as *Rebels and Traitors*, and to speak against the Pacification as dishonourable, and meet to be broken. Neither did his malignancy and bitterness ever suffer him to rest, till a new War was entred upon, and all Things prepared for our Destruction.

By him was it, that our Covenant, approved by National Assemblies, subscribed by His Majesties Commissioners, and by the Lords of His Majesties Council, and by them commanded to be subscribed by all the Subjects of the Kingdom, as a Testimony of our Duty to God and the King, by him was it still called *Ungodly, Damnable, Treasonable*; by him were Oaths invented and pressed upon divers of our poor Country-men, upon the pain of Imprisonment, and many other Miseries, which were unwarrantable by Law, and contrary to their National Oath.

When our Commissioners did appear to render the Reasons of our Demands, he spared not in the Presence of the King and Committee, to rail against our National Assembly, as not daring to appear before the World and Kirks abroad, where himself and his Actions were able to endure Trial: And against our just and necessary Defence, as the most Malicious and Treasonable Contempt of Monarchical Government, that any by-gone Age had heard of: His Hand also was at the Warrant for the Restraint of our Commissioners, sent from the Parliament, Warranted by the King, and seeking the Peace of the Kingdoms.

When we had by our Declarations, Remonstrances, and Representations, manifested the Truth of our Intentions, and Lawfulness of our Actions, to all the good Subjects of the Kingdom of *England*, when the late Parliament could not be moved to Assist or Enter in War against us, maintaining our Religion and Liberties, *Canterbury* did not only advise the breaking up of that High and Honourable Court, to the great Grief and Hazard of the Kingdom; but (which is without Example) did sit still in the Convocation, and make Canons and Constitutions against us, and our just and necessary Defence, ordaining under all highest Pains, that hereafter the Clergy shall preach Four Times in the Year, such Doctrine as is contrary, not only to our Proceedings, but to the Doctrine and Proceedings of other Reformed Kirks, to the



16 Caroli.

the Judgment of all sound Divines and Politicks, and tending to the utter Slavery and ruining of all Estates and Kingdoms, and to the Dishonour of Kings and Monarchs. And as if this had not been sufficient, he procured six Subsidies to be lifted off the Clergy, under pain of Deprivation to all that should refuse. And which is yet worse, and above which Malice it self cannot ascend, by his means a Prayer is Framed, Printed, and sent through all the Parishes of *England*, to be said in all Churches in time of Divine Service, next after the Prayer for the Queen and Royal Progeny, against our Nation, by name of *Trayterous Subjects, having cast off all Obedience to our anointed Sovereign, and coming in a Rebellious manner to invade England, That shame may cover our Faces as Enemies to God and the King.*

Whosoever shall impartially examine what hath proceeded from himself, in these two Books of Canons and Common-Prayer, what Doctrine hath been Printed and Published these Years by-past in *England* by his Disciples and Emissaries; what gross Popery in the most material Points we have found, and are ready to shew in the *Posthume* Writings of the Prelates of *Edinburgh* and *Dunblane*, his own Creatures, his nearest Familiars, and most willing Instruments to advance his Councils and Projects; shall perceive that his Intentions were deep and large against all the *Reformed* Kirks and Reformation of Religion, which in his Majesties Dominions was panting, and by this Time had rendred up the Ghost, if God had not in a wonderful Way of Mercy prevented it. And that if the *Pope* himself had been in his Place, he could not have been more *Popish*; nor could he more zealously have negotiated for *Rome* against the *Reformed* Kirks, to reduce them to the *Heresies* in Doctrine, the *Superstitions* and Idolatry in *Worship*, and the *Tyranny* in Government, which are in that *See*, and for which the reformed Kirks did *Separate* from it, and came forth of *Babel*. From him certainly hath issued all this Deluge, which almost hath over-turned all.

We are therefore confident that your Lordships will by your means deal effectually, that this great Fire-brand be presently removed from His Majesties Presence, and that he may be put to *Trial*, and put to his deserved Censure according to the Laws of the Kingdom; which shall be good Service to God, Honour to the King and Parliament, Terror to the Wicked, and comfort to all good Men, and to us in special; who by his means principally have been put to so many and grievous Afflictions, wherein we had perished, if God had not been with us.

We do indeed confess that the Prelates of *England* have been of very different Humours, some of them of a more *hot*, and others of them of a more *moderate* Temper; some of them more, and some of them less inclinable to Popery; yet what known Truth and constant Experience hath made undeniable, we must at this Opportunity profess, That from the first Time of Reformation of the Kirk of *Scotland*, not only after the coming of King *James* of happy Memory into *England*, but *before*, the Prelates of *England* have been by all Means uncessantly working the Overthrow of our *Discipline* and Government. And it hath come to pass of late, that the Prelates of *England* having prevailed and brought us to Subjection in the point of Government, and finding their long-awaited-for Opportunity, and a rare congruity of many Spirits and Powers, ready to operate for their Ends, have made a strong Assault upon the whole external *Worship* and Doctrine of our Kirk. By which their doing, they did not aim to make us to reform to *England*, but to make *Scotland* first, (whose weakness in Resisting they had before experienced, in the Novations of Government, and of some Points of *Worship*) and thereafter *England*, conform to *Rome*, even in these Matters, wherein *England* had separated from *Rome*, ever since the Time of Reformation. An Evil therefore which hath issued, not so much from the personal Disposition of the Prelates themselves, as from the innate Quality and Nature of their Office, and *Prelatical Hierarchy*, which did bring forth the *Pope* in ancient Times, and never ceased till it brought forth *Popish* Doctrine and *Worship*, where it is once rooted, and the Principles thereof fomented and constantly followed. And from that Antipathy and Inconsistency of the two Forms of Ecclesiastical Government, which they conceived, and not without Cause, that one Island united also under one Head and Monarch, was not able to bear; the one being the same in all the Parts and Powers, which it was in the Times of *Popery*, and now is in the *Roman Church*. The other being the Form of Government received, maintained, and practised by *all the Reformed Kirks*, wherein by their own Testimonies and Confessions, the Kirk of *Scotland* had amongst them no small Eminency. This also we represent to your Lordships most serious Consideration; that not only the *Firebrands* may be removed, but that the *Fire* may be provided against, that there be no more Recombustion after this.

Ordered,



Ordered, That the Committee formerly appointed to peruse the Petitions that came in, shall have Power to dispose of them, after they have perused them, to such Committees as they shall think fit, and are to meet at Two of the Clock in the Committee-Chamber, and to Report their Opinions to the House.

16 Caroli.  
A Committee to dispose of Petitions.

|                         |                      |
|-------------------------|----------------------|
| Sir Henry Mildmay,      | Mr. Corbett,         |
| Sir Peter Hayman,       | Sir Richard Luson,   |
| Sir Edw. Hungerford,    | Mr. Pym,             |
| Sir Tho. Fanshaw,       | Mr. Whistler,        |
| Sir Tho. Barrington,    | Sir William Litton,  |
| Mr. Evelyn,             | Mr. Perryn,          |
| Sir William Strickland, | Sir Walter Earle,    |
| Mr. Oldfield,           | Mr. Perd,            |
| Sir Anthony Irby,       | Mr. Noell,           |
| Mr. Rigby,              | Mr. Weston,          |
| Mr. Ralph Godwin,       | Mr. Duns,            |
| Mr. Potts,              | Lord Fairfax,        |
| Mr. Rowse,              | Mr. Cage,            |
| Mr. Verney,             | Sir Simon D'Ewes,    |
| Sir Francis Seymour,    | Mr. Purefoy,         |
| Mr. Hatcher,            | Sir Gilbert Gerrard, |
| Mr. Upton,              | Mr. Morley.          |

This Committee to consider of the Petition exhibited here concerning *Emanuel College* in *Cambridge*, and they are to examine what either the Visitor or any other has done to the Violation of the Laws and Statutes of that College; and a Warrant is to issue forth under Mr. Speaker's Hand, to require the Master, Fellows, and Officers of the said College forthwith to bring hither the Letters-Patents, Leiger-Book, and Statutes of the said College, and all Things concerning the same. And this Committee has Power to send for Parties, Witnesses, Papers and Records, and are to meet To-morrow at Two of the Clock in the Court of Wards.

*Emanuel College.*

Upon the reading of the Petition of Doctor *John Bastwick*, it was Ordered, That a Committee be named to take into consideration the Petition exhibited here; and has Power to hear Council, and to assign him such Council as is desired in his Petition, and to grant him a Warrant to take out gratis, such Copies of the Censures, Warrants, Orders, and other the Proceedings in the several Courts, as shall or may any Way concern this Business; and has Power to send for Parties, Witnesses, Papers, Records; and are to meet To-morrow in the Afternoon at Two of the Clock in the Star-Chamber.

Dr. Bastwick his further Order.

Mr. Treasurer Reports, That His Majesty being acquainted with the great Care and Affection of the House of Commons to advance and settle his Majesty's Revenue, doth very graciously interpret the same, and hath Com-manded me to give the House free leave to enter into the Debate of his Majesty's Revenues and Expences, as is desired; And hath given Order, That all his Officers and Ministers from time to time shall assist the House therein, as there shall be occasion.

King gives leave to inspect his Revenue.

To-morrow morning Nine of the Clock is appointed to enter into the Debate of his Majesty's Revenue and Expences: And Mr. Speaker is then to put the House in mind of this Order. and humble Thanks are to be returned from this House to His Majesty by Mr. Treasurer, for His Majesty's gracious Message.

King's Revenue.

The



An. 1640.

Committee to  
examine the  
Witnesses  
from Lynn,  
about the Pa-  
rent for  
Starch.  
Dean and  
Chapter of  
Durham, their  
Tenants Peti-  
tion against  
them and  
Windebank.

The Knights and Burgeses of the County of *Norfolk*, and the Burgeses of *Lynn*, are appointed to examine the Witnesses that are brought hither by *John Taverner*, and *Gilbert* of *Lynn*, in the Business concerning *Starch*; and they are to meet this Afternoon at Two of the Clock in the Court of Wards, and *Sir Henry Mildmay* is added to this Committee.

The Petition of *George Gray*, and *Anthony Allen*, on the behalf of themselves and the Tenants to the Dean and Chapter of *Durham*, was read, Complaining of *Dr. Belkanquall* Dean of *Durham*, for exacting of Fines upon their Leases contrary to Custom, and bringing the Tenants before the Lords of the Council, and there by Order of the Council they were required, and did pay about 80 *l.* into the Hands of one of the Clerks of the Council, towards the Charge they put the Dean and Chapter unto: And also that the Council committed *George Grey* and *Anthony Smith* Prisoners to the Gate-House, where they remained till the 13th of *April*, 1640. when a Parliament met; whereupon they were released, and the 80 *l.* repaid by *Sir William Beecher*; which Petition was referred to the Committee, that is appointed to prepare the Charge against *Mr. Secretary Windebank*.

Corff-Castle  
Election.

Ordered, A Warrant to issue forth under *Mr. Speaker's* Hand, directed to the Clerk of the Crown, for a new Writ for the Electing of another Burgess to serve for the Town of *Corff-Castle* in the County of *Dorset*, in the room and stead of *Mr Secretary Windebank*.

A Conference being appointed with the Lords,

*Mr. Treasurer,*

*Mr. St. Johns,*

*Mr. Hollis,*

*Mr. Pym,*

*Sir Thomas Roe,*

*Mr. White,*

are appointed Reporters of the Conference with the Lords.

Ordered, A Warrant to issue forth under *Mr. Speaker's* Hand, directed to the Clerk of the Crown in *Chancery*, for a new Writ for Electing of a Burgess to serve in this Parliament for the Town of *Warwick*, in the room and stead of *Sir Thomas Lucy* formerly returned, and since dead.

New-Castle  
Election.

It was likewise moved for *New-Castle*, to have a Warrant for a new Writ for Electing of a Burgess for the Town in the Room and stead of *Sir John Melton* formerly returned a Burgess for that Town, and since dead; but there being a Petition depending before the Committee for *Privileges*, questioning the Election of *Sir John Melton*, no Warrant is to issue forth until the Committee has delivered their Opinions touching the Election.

Rigorous le-  
vying of  
Ship-money.

The Committee concerning the rigorous levying of Ship-money, being now *sine die*, is appointed to meet this Afternoon at Two of the Clock in the *Exchequer-Chamber*.

Wadham Col-  
lege referred  
to the Com-  
mittee for  
*Emanuel* Col-  
lege.

Ordered, That the Grievances of *Wadham-College* in the University of *Oxon*, be referred to the Consideration of the Committee for *Emanuel-College*. *Sir Gilbert Pickering*, *Sir John Strangeways*, and *Sir Henry Herbert* are added to that Committee.

The Petition of the Inhabitants of *Wittingham* in the County of *Cambridge*, and the Petition of the Inhabitants of the Hundred of *Marshland* in the County of *Norfolk*, and the Petition of the Inhabitants of the Towns of *Sutton*, *Mepall*, &c. in the Isle of *Ely*, concerning *Fenn-Lands*, &c. be referred to the Consideration of the Committee appointed for *Doctor Thompson's* Petition.

Commission-  
ers in the Bo-  
dy of the Bill  
for Subsidies

Resolved upon the Question, That this House shall nominate Commis-  
sioners in the Body of the Bill for the Taxing of the Two Subsidies.

Or-



Ordered, That the Knights and Burgeses of all the Counties, do consider of the Names of all the Commissioners to be put in the Body of the Bill, and that they present the same to the House on *Saturday Morning*.

16 *Caroli.*

*Friday, Decemb. 18. 1640.*

Decemb. 18.

An Act for the Naturalization of *David Gonbard*, Merchant, read the first time.

Naturaliza-  
tion.

A Bill concerning *Needle-makers*, read the first time.

Needle-Ma-  
kers.

A Bill for the Naturalization of *Peter Fountain*, read the first time.

*Peter Fountain.*

There being a Bill in the House of Lords, that does reflect upon *Doctor Eden*, he moved that he might have leave to appear unto it; which was granted him.

Doctor *Eden*  
leave.

Ordered, That the Letters of Administration granted Yesterday against *Mr. Cambell*, a Member of this House, at the Suit of *Sir Edward Savage*, and Register of the Prerogative-Court, be sent for, to give an Account of the Breach of the Privilege of this House in this Point.

Ordered, That by Order of this House, a Warrant issue forth under *Mr. Speaker's* Hand, to stay and surcease all Proceedings upon any extra-judicial Decree made by the Lord Deputy, and Council of *Ireland*, in a Suit depending there before them, between *Sir Frederick Hamilton*, Knight, and *Evelyn Luish*, Widow, during the Agitation of this Cause, and Complaint there; and that the Monies, by vertue of that Decree, upon the Lands of the said *Sir Frederick Hamilton*, shall be stayed and detained in the Sheriff's Hands, till this House shall give further Order in it. And that *Sir Frederick Hamilton* shall have the Privilege of this House to go and come freely between the two Kingdoms of *England* and *Ireland*, while his Causes and Complaints depend here. And that the Warrants under *Mr. Speaker's* Hand, shall be directed to such Officers as may make them most effectual.

Order to stay  
a Decree in  
*Ireland*.

That a Committee do take into Consideration the Breach of the Privileges of Parliament, 3 *Car.* especially the Proceedings against *Mr. Hollis*, *Sir Peter Hayman*, *Mr. Strode*, *Mr. Valentine*, *Mr. Selden*, *Mr. Walter Long*, *Sir John Elliot*, *Sir Miles Hobart*, *Mr. Crew*, *Mr. Bellasis*, *Sir John Hotham*, *Mr. Hampden*, *Mr. Pym*, *Sir Walter Earl*, Members of either the last Parliament, or the Parliament of 3 *Car.* And to take into Consideration the two Declarations made upon the Dissolution of the last Parliament, and the Parliament 3 *Car.* And they are likewise to consider of what Reparations are fit to be granted to the Parties grieved, and to think of some course to prevent the like hereafter. But the Committee is first to enquire after, and consider of the Breaches of the Privilege of Parliament of 3 *Car.* and to report them to the House, and they have Power to send for Parties, Witnesses, Papers, Records, and to do any other Act, as they in their Judgments shall think may best conduce to the Business; and are to meet on *Monday* in the Afternoon, at Two of the Clock, in the *Exchequer-Court*.

Breach of  
Privilege of  
Parliaments,  
3, & 4 *Car.*

Ordered, That *Mr. Harrison* shall pay unto *Sir William Uvedall*, Knt. 25000 *l.* the residue of 50000 *l.* which he by way of Loan, voluntarily furnished towards the Payment of the King's Army, and the Relief of the *Northern* Counties, to be repaid unto him, as by the Act of Subsidies shall be expressed; and that *Sir William Uvedall's* Acquittance for the Receipt thereof, shall be his Discharge for the Payment of the 25000 *l.* And the said *Sir William Uvedall* is hereby ordered to receive the same, and to dispose thereof according to the Order of this House, to the Use aforesaid.

Mr.



An. 1640.

Mr. Harbottle Grimston's SPEECH, on a further Debate,  
touching the Archbishop of Canterbury.

Mr. Speaker,

Mr. Harbottle  
Grimston's  
Speech on a  
further De-  
bate, touching  
the Archbi-  
shop of Can-  
terbury.

There hath been presented to the House a most faithful and exact Report of the Conference we had with the Lords Yesterday, together with the Opinion of the Committees that we employed in the Service; That they conceived it fit, that the Archbishop of *Canterbury* should be sequestred, and I must second the Motion; and with the favour of this House I shall be bold to offer my Reasons, why I conceive it more necessary we should proceed a little further than the desire of a bare Sequestration only.

Mr. Speaker, Long Introductions are not suitable to weighty Busineses; we are now fallen upon the great Man the Archbishop of *Canterbury*; look upon him as he is in Highness, and he is the Sty of all Pestilential Filth, that hath infested the State and Government of this Commonwealth: Look upon him in his Dependencies, and he is the only Man, the only Man that hath raised and advanced all those, that together with himself, have been the Authors and Causers of all our Ruins, Miseries, and Calamities we now groan under. Who is it but he only that hath brought the Earl of *Strafford* to all his great Places and Employments? A fit Spirit and Instrument to act and execute all his wicked and bloody Designs in these Kingdoms. Who is it but he only that brought in Secretary *Windebank* into this Place of Service of Trust, the very Broker and Pander to the Whore of *Babylon*?

Who is it, Mr. Speaker, but he only, that hath advanced all our Popish Bishops? I shall name but some of them, Bishop *Manwaring*, the Bishop of *Bath and Wells*, the Bishop of *Oxford*, and Bishop *Wren*, the least of all these Birds, but one of the most unclean ones; these are the Men that should have fed Christ's Flock, but they are the Wolves that have devoured them; the Sheep should have fed upon the Mountains, but the Mountains have eaten up the Sheep. It was the Happiness of our Church, when the Zeal of God's House eat up the Bishops, glorious and brave Martyrs, that went to the Stake in Defence of the Protestant Religion; but the Zeal of the Bishops hath been only to persecute and eat up the Church.

Who is it, Mr. Speaker, but this great Archbishop of *Canterbury*, that hath sate at the Helm, to steer and manage all the Projects that have been set on foot in this Kingdom this Ten Years last past? And rather than he would stand out, he hath most unworthily trucked and chaffered in the meanest of them? As for Instance, that of *Tobacco*, whereby Thousands of poor People have been stript, and turned out of their Trades for which they have served as Apprentices: We all know he was the Compounder and Contractor with them for the Licenses, putting them to pay Fines, and a Fee-farm Rent to use their Trade: Certainly, Mr. Speaker, he might have spent his Time much better, and more for his Grace in the Pulpit, than thus sberking and raking in the *Tobacco* Shops. Mr. Speaker, we know what he hath been charged withal in this House, Crimes of a dangerous Consequence, and of a transcendent Nature, no less than the Subversion of the Government of this Kingdom, and the Alteration of the Protestant Religion; and this is not upon a bare Information only, but much of it is come before us already, upon clear and manifest Proofs; and there is scarce any Grievance, or Complaint, come before us in this Place, wherein we do not find him intermentioned, and as it were twisted into it; like a busy, angry Wasp, his Sting is in the Tayl of every Thing: We have this Day likewise heard the Report of the Conference Yesterday, and it is the Accusation which the *Scots* Commissioners have charged him withal; and we do all know he is guilty of the same, if not more, here in this Kingdom.

Mr. Speaker, He hath been the great and common Enemy of all Goodness, and Good Men; and it is not safe that such a Viper should be near His Majesty's Person, to distill his Poyson into his Sacred Ears; nor is it safe for the Commonwealth that he sit in so eminent a Place of Government, being thus Accused. We know what he did in the Earl of *Strafford*'s Case: This Man is the corrupt Fountain, that hath corrupted all the Streams; and till the Fountain be purged, we can never expect, nor hope to have clear Channels. I shall be therefore bold to offer my Opinion, and if I err, it is the Error of my Judgment, and not my want of Zeal and Affection to the Publick Good. I conceive it is most necessary and fit that we should now take up a Resolution to do somewhat, to strike while the Iron is hot, and to



go up to the Lords in the Names of the Commons of this House, and in the Names of the Commons of *England*, and to accuse him of High-Treason; and to desire their Lordships, his Person may be sequestred, and that in convenient time we may bring up his Charge.

16 *Caroli.*

This Day the Archbishop of *Canterbury* was voted by the House of Commons to be a Traitor; and Mr. *Hollis* was sent to the Lords to accuse him of High-Treason; which he did immediately; assuring the Lords, That in convenient time there should be a Charge put in against him, to make good the Accusation; desiring that he might be sequestred from the House, and committed to safe Custody: Upon which he was committed to the Custody of the Gentleman Usher, and sequestred from Sitting in Parliament, till he cleared himself of this Accusation.

The Archbi-  
shop of *Cant.*  
accused of  
High-Treason.

The Archbishop being called to the Bar as a Delinquent, desired their Lordships to give him leave to go home and fetch Papers, whereby to enable him to make his Defence to his Charge; which the House granted; and that he should take his own time this Afternoon to sort his Papers; but directed it should be done in the presence of the Gentleman Usher, and afterwards to return to the House of the Gentleman Usher this Night, and to be in safe Custody.

The Lords farther Ordered, That no Member of their House shall visit the Lord Archbishop of *Canterbury*, without leave of the House.

None to Visit  
him without  
leave.

A Message was sent to the House of Lords by Mr. *Hampden*, to let their Lordships know, That they had received Informations of a very high Nature against *Matthew Wren*, Lord Bishop of *Ely*, for setting up Idolatry and Superstition in divers Places, and exercising and acting some things of that Nature in his own Person: And because they hear the said Bishop of *Ely* endeavours to make an Escape out of the Kingdom, he was commanded to desire their Lordships to think of some such Course, that he may put in Security for his forth-coming, and to abide the Judgment of Parliament.

Decemb. 19.

Then the Bishop of *Ely* was commanded to withdraw; And the Lords ordered him to give 10000 *l.* Bail for his forth-coming.

Hereupon the Bishop was called again, and the Lord Keeper acquainted him with the Order, which he consented to, hoping to get Friends to be bound with him.

Then it was moved, That the Bishop of *Ely* might be bound by Recognizance of 10000 *l.* for his Appearance, until he put in such Security as the House should approve of; which he consenting to, did immediately before the Lord Keeper in the House acknowledge as followeth, viz.

*Matthew Wren, Episcopus Eliensis, recognovit se debere Domino Regi Decem mille libras, levare de terris & tenementis bonis & catallis suis, &c. ad usum Domini Regis.*

The Condition was, That he should appear from Day to Day, until *Wednesday* next; against which Day he is to provide sufficient Bail for 10000 *l.* such as this House shall approve of, to be Bound for his forth-coming, and abiding the Judgment of Parliament, &c.

The Commons having secured the Great Statesman the Earl of *Straford*, and the Great Church-man Archbishop *Laud*, began to prepare an Impeachment against the Great Officer of Law, the Lord Keeper *Finch*, of High-Treason.

Lord Keeper  
*Finch.*



An. 1640.

He craves  
leave to be  
heard.

Decemb. 12.  
The Lord  
Keeper comes  
into the House  
of Commons.

Of which he having notice, desired by a Letter to be admitted to speak for himself before them: Upon this Letter there arose this Day a great Controversie in the House; and after some time spent about it, it was granted him, and *Monday* next appointed for that Purpose.

This Day the Lord Keeper *Finch* came into the House, a Chair being set for him near to the Bar, and he carrying the Purse himself: And when the Speaker told him, that his Lordship might sit, he made a low Obeysance, and laying down the Seal and his Hat in the Chair, himself leaning on the backside of it, made this following Speech in his own Vindication, which he delivered with an excellent Grace and Gesture.

### The Lord Keeper's SPEECH.

Mr. Speaker,

The Lord  
Keeper's  
Speech.

I Do first present my most humble Thanks to this Honourable Assembly, for this Favour vouchsafed me, in granting me admittance to their presence; and do humbly beseech them to believe it is no desire to preserve my self, or my Fortune, but to deserve the good Opinions of those that have drawn me hither.

I do profess in the Presence of him that knoweth all Hearts, that I had rather go from Door to Door, and crave *Da obolum* Belizario, &c. with the good Opinion of this Assembly, than live and enjoy all the Honours and Fortunes I am capable of.

I do not come hither with an Intention to justify my Words, my Actions, or my Opinions; but to make a plain and clear Narration for my self, and then humbly to submit to the Wisdom and Justice of this House, my self, and all that concerns me.

I do well understand, Mr. Speaker, with what Disadvantage any Man can speak in his own Cause; and if I could have told how to have transmitted my Thoughts and Actions by a clearer Representation of another (I do so much defy my own Judgment in working, and my Ways in expressing) that I should have been a most humble Suitor, another might have done it. But this House will not take Words, but with clear and ingenuous dealing, and therefore I shall beseech them to think I come not hither with a set or studied Speech; I come to speak my Heart, and to speak it clearly and plainly, and then leave it to your Clemency and Justice; and I hope if any thing shall slip from me, to work contrary to my Meaning, or Intention, disorderly or ill placed, you will be pleased to make a favourable Construction, and leave me the liberty of Explanation, if there shall be any; but I hope there shall be no Cause for it.

I hope, for my Affection in Religion, no Man doubteth me. What my Education, what and under whom for many Years, is well known; I lived near 30 Years in the Society of *Grays Inn*: and if one that was a Reverend Preacher in my time (*Dr. Sibbs*) were now alive, he were able to give Testimony to this House, that when a Party ill affected in Religion sought to weary him, and tire him out, he had his chiefest Encouragement from me.

I have now, Mr. Speaker, been 15 Years of the King's Council; from the first hour to this minute, no Man is able to say that ever I was Author, Adviser, or Consenter to any Project.

It pleased the King (my gracious Master, after I had served him divers Years) to prefer me to two Places; to be Chief Justice of the *Common Pleas*, and then Keeper of his Great Seal; I say it in the Presence of God, I was so far from the Thought of the one, and from the Ambition of the other, that if my Master's Grace and Goodness had not been, I had never enjoyed those Honours.

I cannot tell, Mr. Speaker, nor I do not know what Particulars there are that may draw me into your Disfavour, or ill Opinion, and therefore I shall come very weakly armed; yet to those that either in my own Knowledge, or by such Knowledge as is given me, and not from any in this House, I shall speak somewhat, that I hope being Truth, and accompanied with Clearness and Ingenuity, will at least procure some Allay of that ill Opinion which may perhaps be conceived of me.

Mr. Speaker, I had once the Honour to sit in the Place that you do: from the first time I came thither, to this unfortunate Time, I do appeal to all that were here then, if I served you not with candor. Ill Office I never did to any of the House, good Offices I have Witnesses enough I did many, I was so happy, that upon an Occasion

which



which once happened, I received an Expression and Testimony of the good Affection of this House towards me.

For the last unhappy Day, I had a great share in the unhappiness and sorrow of it. I hope there are enough do remember, no Man within the Walls of this House did express more Symptoms of Sorrow, Grief, and Distraction than I did.

After an Adjournment for two or three Days, it pleased his Majesty to send for me, to let me know that he could not so resolve of things as he desired, and therefore was desirous that there might be an Adjournment for some few Days more. I protest I did not then discern in his Majesty, and I believe it was not in his Thoughts to think of the dissolving of this Assembly; but was pleased in the first Place to give me a Command to deliver his Pleasure to the House for an Adjournment for some few Days, till the *Monday* following, as I remember; and commanded me withal to deliver his Pleasure, that there should be no further Speeches, but forthwith upon the delivery of the Message, come and wait upon him: He likewise commanded me, if Questions were offered to be put, upon my Allegiance I should not dare to do it; how much I did then in all humbleness reason with his Majesty, is not for me here to speak; only thus much let me say, I was no Author of any Counsel in it, I was only a Person in receiving Commission. I speak not this as any thing I now produce or do invent, or take up for my own Excuse, but that which is known to divers, and some Honourable Persons in this House, to be most true. All that I will say for that, is humbly to beseech you all to consider, That if it had been any Man's Case, as it was mine, between the displeasure of a gracious King, and the ill opinion of an Honourable Assembly, I beseech you lay all together, lay my first Actions and Behaviour with the last, I shall submit to your Honourable and Favourable Constructions.

For the Shipping Business, My Opinion of that Cause hath lain heavy upon me; I shall clearly and truly present unto you what every thing is, with this Protestation, That if in reckoning up my own Opinion what I was of, or what I delivered, any thing of it be displeasing, or contrary to the Opinion of this House, that I am far from justifying of it, but submit that and all other my Actions to your Wisdoms and Goodness.

*Master Speaker*, the first Writs that were sent out about Shipping Business, I had no more knowledge, and was as ignorant of, as any one Member of this House, or any Man in this Kingdom. I was never the Author nor Adviser of it, and will boldly say from the first to this Hour, I did never advise nor counsel the setting forth of any Ship-Writs in my Life.

*Master Speaker*, It is true that I was made Chief Justice of the *Common Pleas* some four Days before the Ship-Writs went out to the Ports and Maritime Places. As I do remember, the 28 of *October* 1634. they do bear Test, and I was sworn Justice the 16 of *October*; so as they went out in that time, but without my knowledge or privacy: the God of Heaven knows this to be true.

*Master Speaker*, Afterwards his Majesty was pleased to command my Lord Chief Justice of the *Kings Bench*, that then was, *Sir Thomas Richardson*, and Chief Baron of the *Exchequer* that now is, and my self, then Chief Justice of the *Common Pleas*, to take into Consideration the Presidents then brought unto us; which we did, and after returned to his Majesty, what we had found out of those Presidents.

It is true, that afterwards his Majesty did take into Consideration, that if the whole Kingdom were concerned, that it was not Reason to lay the whole Burthen upon the Cinque Ports and Maritime Towns.

Thereupon, upon what ground his Majesty took that into his Consideration, I do confess I do know nothing of it.

His Majesty did command my Lord Chief Justice that now is, my Lord Chief Baron, and my self, to return our Opinions, Whether, when the whole Kingdom is in danger, and the Kingdom in general is concerned, it be not according to Law and Reason, that the whole Kingdom, and His Majesty, and all interested therein, should joyn in defending and preserving thereof?

This was in Time, about 1634.

In *Michaelmas* Term following, His Majesty commanded me to go to all the Judges, and require their Opinions in Particular.

He commanded me to do it to every one, and to charge them upon their Duty and Allegiance to keep it secret.

16 *Caroli.*



An. 1640.

Mr. *Speaker*, It was never intended by His Majesty (so professed by him at that time, and so declared to all the Judges, that it was not required by him) to be such a binding Opinion to the Subject, as to hinder him from calling it in Question, nor to be binding to themselves, but that upon better Reason and Advice they may alter it; but desired their Opinions, for his own private Reason.

I know very well, that extrajudicial Opinions of Judges ought not to be binding.

But I did think and speak my Heart and Conscience freely; my self, and the rest of the Judges being sworn, and by our Oaths tyed to Counsel the King when he should require Advice of us, that we were bound by our Oaths and Duties to return our Opinions.

I did obey His Majesties Command, and do here before the God of Heaven avow it.

I did never use the least Promise of Preferment or Reward to any, nor did use the least Menace; I did leave it freely to their own Consciences and Liberty; for I was left the Liberty of my own by His Majesty, and had Reason to leave them the Liberty of their own Consciences.

And I beseech you be pleased to have some belief, that I would not say this, but that I know the God of Heaven will make it appear; and I beseech you, that extravagant Speeches may not move against that which is a positive and clear Truth.

Mr. *Speaker*, In the Discourse of this (as is between Judges) some small Discourses sometimes arose, yet never was any Cause wherein any Judges conferred, that were so little Conference, as between me and them.

Mr. *Speaker*, Against a Negative I can say nothing; but I shall affirm nothing unto you, but by the Grace of God, as I affirm it to be true, so I make no doubt of making it appear to be so.

This Opinion was subscribed without Sollicitation, there was not any Man of us did make any doubt of subscribing our Opinion, but two, Master Justice *Hutton*, and Master Justice *Crooke*.

Master Justice *Crooke* made not a scruple of the Thing, but of the Introduction, for it was thus:

That whereas the Ports and the Maritime Towns were concerned; there according to the Presidents in former Times, the Charge lay on them.

So when the Kingdom was in danger, of which his Majesty was the sole Judge; whether it was not agreeable to Law and Reason, the whole Kingdom to bear the Charge?

I left this Case with Judge *Crooke*.

The next Term I spake with him, he could give me no Resolution, because he had not seen the Writs in former Times; but did give his Opinion, That when the whole Kingdom was in danger, the Defence thereof ought to be born by all.

So of that Opinion of his, there was no need of a Sollicitation.

I speak no more here, than I did openly in my Argument in the *Chequer-Chamber*.

This is the naked Truth: For Master Justice *Hutton*, he did never subscribe at all.

I will only say this, That I was so far from pressing him to give his Opinion, because he did ask time to consider of it, that I will boldly say, and make it good, that when His Majesty would have had him sometimes sent for, to give his Opinion, I beseeched his Majesty to leave him to himself and his Conscience; and that was the ill Office I did.

The Judges did subscribe in *November* or *December* 1635.

I had no Conference, (nor truly I think) by accident any Discourse with any of the Judges touching their Opinions; for till *February* 1636. there was no Speech of it; for when they had delivered their Opinions, I did return according to my Duty to my Master the King, and delivered them to him: in whose Custody they be.

In *February* 1636. upon a Command that came from his Majesty, by one of the then Secretaries of State, the Judges all assembled in *Grays-Inn*, we did then fall into a Debate of the Case then sent unto us, and we did then return our Opinion unto His Majesty; there was then much Discourse and great Debate about it.

Mine Opinion and Conscience at that Time was agreeable to that Opinion I then delivered.

I did



I did use the best Arguments I could, for the maintenance of my Opinion; and that was all I did.

It is true, that then at that time, Mr. Justice *Hutton*, and Mr. Justice *Crooke*, did not differ in the main Point, which was this;

When the Kingdom was in Danger, the Charge ought to be born by the whole Kingdom.

But in this Point, Whether the King was the sole Judge of the Danger? they differed.

So as there was between the first Subscription, and this Debate and Consultation, some 15 Months difference.

It is true that all of them did then subscribe, both Justice *Hutton*, and Justice *Crooke*, which was returned to His Majesty, and after published by my Lord-Keeper (my Predecessor) in the *Star-Chamber*.

For the manner of publishing it I will say nothing, but leave it to those whose Memories will call to mind what was then done.

The Reason of the Subscription of Justice *Hutton*, and Justice *Crooke* (though they differed in Opinion) grew from this that was told them from the rest of the Judges:

That where the greater Number did agree in their Vote, the rest were involved and included.

And now I have faithfully delivered what I did in that Business, till I came (which was afterwards) to my Argument in the *Exchequer-Chamber*; for the Question was, *A Scire Facias* issued out of the *Exchequer*, in that Case of Mr. *Hampden's*, of which I can say nothing, for it was there begun, and afterwards rejoined, to have Advice of all the Judges.

Mr. *Speaker*, among the rest (according to my Duty) I argued the Case.

I shall not trouble you to tell you what my Argument was, I presume there are Copies enough of it; only I will tell you there are four Things very briefly that I then declared.

First, Concerning the Matter of Danger, and Necessity of the whole Kingdom.

I profess that there was never a Judge in the Kingdom did deliver an Opinion, but that it must be in a case of apparent Danger.

When we came to an Argument of the Case, it was not upon a Matter of Issue, but it was upon a Demurrer;

Whether the Danger was sufficiently admitted in pleading, and therefore was not the Thing that was in dispute; that was the first Degree and Step that led unto it.

I did deliver my self as free and as clear as any Man did, That the King ought to govern by the positive Laws of the Kingdom; That he could not alter nor change, nor innovate in Matters of Law, but by common Consent in Parliament.

I did further deliver, That if this were used to make a further Revenue or Benefit to the King, or in any other Way but in Case of Necessity, and for the preservation of the Kingdom, the Judgment did warrant no such Thing.

My Opinion in this Business, I did in my conclusion of my Argument submit to the Judgment of this House.

I never delivered my Opinion, That Money ought to be raised, but Ships provided for the defence of this Kingdom, and in that the Writ was performed.

And that the Charge ought not to be in any Case but where the whole Kingdom was in Danger.

And Master Justice *Hutton*, and Master Justice *Crooke*, were of the same Opinion with me.

I do humbly submit, having related unto you my whole Carriage in this Business, humbly submitting my self to your grave and favourable Censures, beseeching you not to think that I delivered these Things with the least Intention to subvert or subject the common Law of the Kingdom, or to bring in, or to introduce any new Way of Government; it hath been far from my Thoughts, as any Thing under the Heavens.

Mr. *Speaker*, I have heard too, that there have been some ill Opinion conceived of me about Forest Business, which was a Thing as far out of the way of my Study, as any Thing I know towards the Law.

But it pleased his Majesty, in the Sickness of Master *Noy*, to give some short warning to prepare my self for that Employment.

When



An. 1640.

When I came there, I did both the King and Commonwealth acceptable Service; for I did, and dare be bold to say, with extream Danger to my Self and Fortune, (some do understand my Meaning herein) run through that Business, and left the Forest as much as was there.

A Thing in my Judgment considerable for the Advantage of the Commonwealth, as could be undertaken.

When I went down about that Employment, I satisfied my self about the Matter of Perambulation.

There were great Difficulties of Opinions what Perambulation was.

I did arm my self as well as I could, before I did any Thing in it.

I did acquaint those that were then Judges, in the presence of the Noble Lords, with such Objections as I thought it my Duty to offer unto them.

If they thought they were not Objections of such Weight, as were fit to stir them, I would not do the King that disservice.

They thought the Objections had such Answers as might well induce the like upon a Conference with the whole Country, admitting me to come and confer with them, the Country did unanimously subscribe.

It fell out afterwards, that the King commanded me, and all this before I was Chief-Justice, to go into *Essex*; and did then tell me he had been informed, that the Bounds of the Forest were narrower, than in truth they ought to be; and I did according to his Command.

I will here profess that which is known to many; I had no Thought or Intention of enlarging the Bounds of the Forest further than *H.* and that part about it, for which there was a Perambulation about 26 Ed. 4.

I desired the Country to confer with me about it, if they were pleased to do it; and then according to my Duty I did produce those Records which I thought fit for his Majesty's Service, leaving them to discharge themselves as by Law and Justice they might do.

I did never in the least Kind go about to overthrow the Charter of the Forest.

And did publish and maintain *Charta de Foresta* as a Sacred Thing, and no Man to violate it, and ought to be preserved for the King and Commonwealth.

I do in this humbly submit, and what I have done to the Goodness and Justice of this House.

Many were exceedingly taken with his Eloquence and Carriage; and it was a sad sight to see a Person of his Greatness, Parts and Favour, to appear in such a Posture, before such an Assembly, to plead for his Life and Fortunes.

Shortly after the Lord-Keeper had finished his Speech, Mr. Rigby delivered himself as followeth.

### Mr. Rigby's SPEECH.

Mr. Speaker,

Mr. Rigby's  
Speech in  
Answer to the  
Lord Keeper's.

*Though my Judgment prompts me to sit still, and be silent, yet the Duty I owe to my King, my Country, and my Conscience, moves me to stand up and speak.*

Mr. Speaker, Had not this Syren so sweet a Tongue, surely he could never have effected so much mischief to this Kingdom: You know, Sir, *optimorum putrefactio pessima, the best Things putrified become the worst: And as it is in the Natural, so in the Body Politick; and what's to be done then, Mr. Speaker, we all know, ense recidendum est, the Sword, Justice must strike, ne pars sincera trahatur.*

Mr. Speaker, *It is not the Voice, non vox sed votum, not the Tongue, but the Heart and Actions that are to be suspected: For doth not our Saviour say it, Shew me thy Faith by thy Works, O Man! Now, Mr. Speaker,*  
*batb*



bath not this Kingdom seen, (seen, say I?) nay, felt and smarted under the Cruelty of this Man's Justice & so malicious as to record it in every Court of Westminster; as if he had not been contented with the enslaving of us all, unless he entailed it to all Posterity. Why shall I believe Words now, cum Factum videam? Shall we be so weak Men as when we have been injured and abused, to be gained again with fair Words and Compliments? Or, like little Children, when we have been whipt and beaten, be pleased again with Sweet-meats? Ob no: There be some Birds in the Summer of Parliament will sing sweetly, who in the Winter of Persecution will for their Prey ravenously fly at all, upon our Goods, nay seize upon our Persons; and bath it not been with this Man so, with some in this Assembly?

Mr. Speaker, It hath been objected unto us, That in Judgment we should think of Mercy; and Be ye merciful as your Heavenly Father is merciful; now God Almighty grant that we may be so, and that our Hearts and Judgments may be truly reformed to know truly what is Mercy, I say, to know what is Mercy; for there is the Point, Mr. Speaker: I have heard of foolish Pity; foolish Pity! Do we not all know the Effects of it? and I have met with this Epithet to Mercy, Crudelis misericordia; and in some kind I think there may be a cruel Mercy: I am sure that the Spirit of God said, Be not pitiful in Judgment; nay it saith, Be not pitiful of the Poor in Judgment; if not of the Poor, then à Latori, not of the rich; there's the Emphasis. We see by the set and solemn Appointments of our Courts of Justice, what provision the Wisdom of our Ancestors hath made for the Preservation, Honour and Esteem of Justice; witness our frequent Terms, Sessions and Assizes, and in what Pomp and State the Judges in their Circuits, by the Sheriffs, Knights and Justices, and all the Countrey, are attended oft-times for the hanging of a poor Thief for the stealing of a Hog, or a Sheep, nay in some Cases for the stealing of a Penny, and Justice too, in terrorem; and now shall not some of them be hanged that have robb'd us of all our Propriety, and sheered at once all our Sheep, and all we have away, and would have made us all indeed poor Bellizario's, to have begged for Half-penies, when they would not have left us one Penny that we could have called our own?

Let us therefore now, Mr. Speaker, not be so pitiful, as that we become remiss; not so pitiful in Judgment, as to have no Judgment; but set the deplorable Estate of Great Britain now before our Eyes, and consider how our most Gracious Sovereign hath been abused; and both his Majesty, and all his Subjects, injured by these wicked Instruments; for which my humble Motion is, That with these Particulars we become not so merciful, as to the generality (the whole Kingdom) to grow merciless.

Fiât Justitia.

Upon these following Particulars he was the same Day voted a Traitor:

1. For refusing to read the Remonstrance against the Lord Treasurer Weston, 4 Car. when the Parliament desired it.
2. For soliciting, persuading, and threatening the Judges to deliver their Opinion for the levying of Ship-Money.
3. For several Illegal Actions in Forest-matters.
4. For Ill Offices done in making the King to dissolve the Last Parliament, and causing his Declaration thereupon to be put forth.

The next Day he was accused before the Lords, but he got up earlier, gave them the Slip, and escaped into Holland. And the same Day, being Tuesday the 22d of December, the King by Commission deputed



An. 1640. Sir Edward Littleton, Lord Chief Justice of the *Common Pleas*, to sit as Speaker of the House of Lords in his Place.

The Judges  
accus'd.

Dec. 22. This Day Mr. Waller went up to the Lords with a Message from the Commons, That they had received divers Informations of Crimes of a very high nature against Sir John Bramston, Knight, Lord Chief Justice of the *King's-Bench*, Sir Humphrey Davenport, Justice Berkley, and Justice Crawley; and desired their Lordships to consider of some such Course, that they put in good Security to abide the Censure of the Parliament.

They enter  
into Recognizance.

The Judges being all present, except the Lord Chief Baron, submitted themselves to the Pleasure of the House. Whereupon it was ordered, That they should for the present enter into Recognizance in open Court, with condition to put in Bail of 10000 *l.* apiece on the 30th of December, 1640. to appear before the Lords of Parliament from time to time, and to be present at the Judgment in Parliament against them, if there were any; and if they cannot procure Security as aforesaid, then to yield their Bodies upon the said 30th of Decemb.

It was further Ordered by the Lords, That the Lord Chief Justice of the *Common-Pleas* do give notice to the Lord Chief Baron Davenport, that he appear before their Lordships to Morrow Morning, and that he see the aforesaid Judges do appear and shew themselves personally before him once a Day upon those Days when the House doth not sit, that they may be forth-coming.

Upon some Debate in the House concerning the Miscarriages of the Judges, (whether upon this Day, or the 8th of this Month, does not appear) this following Speech was made by a certain Member of the House.

Mr. Speaker,

IT was a Custom amongst the Romans, (who as by their Power they once gave Laws, so by the happy Success of their long flourishing Government might they well give Examples to all the World) that in their Senates the youngest Men spake first; partly, that they might not have their weaker Notions anticipated by the more knowing Senators; and partly, that the Senate might not be diverted from the mature Resolutions of the more Ancient, by the Interposition of the younger Men: They, as all Free States, ever allowing free Members to express themselves according to their several Capacities: And methinks 'twas a happy Method. So the Opinions and Inclinations of the Assembly, being discovered and ripened to Resolution by such gradations, the Sentences of the Sages founded as Judgments, not Orations; their Wisdom and Gravity put a seasonable Period to others, perhaps otherwise endless Discourses.

Their President encourages me (who worst may) to break the Ice: Children can lay their Fingers on the Sore, point out their Pain; and Infant Graduates in Parliament may groan out the Grievances of a diseased Commonwealth, but they must be Doctors in the Art of Government that can apply apt Remedies to recover it.

Mr. Speaker, Ancient and approved hath been that Parallel of the Body Politick with the Body Natural: 'Tis the Part of the Patients in either distempered, to impart freely their Grievs to the Physicians of the Body or State, if they expect a Cure.

This Commonwealth is (or should be) but one Body. This House, the great Physician of all our Maladies; and alas, Mr. Speaker, of what afflicted Part shall we poor Patients complain first? Or rather of what shall we not complain?

Are we not heart-sick? Is there in us that which God requires, Unity, Purity, and singularity of Heart? Nay, is not Religion (the Soul of this Body) so miserably distracted, that, I speak it with Terror of Heart, 'tis to be feared, there is more confusion of Religions amongst us, than there was of Tongues at the Subversion



of *Babel*: And it is not then high time that we understand one another, that we were reduced to one *Faith*, one *Government*?

Sir, *Is the Head whole*? The Seat of *Government* and *Justice*, the *Fountain* from whose sweet Influence all the inferior Members of this Body should receive both Vigor and Motion? Nay, hath not rather a general Apoplexy, or Palsy, taken or shaken all our Members? Are not some dead? Others buried quick? Some dismembred, all disordered by the diversion of the Course of *Justice*?

Is the *Liver* (Nature's Exchequer) open, from whose free Distribution each Limb may receive his proper Nutriment? Or rather is it not wholly obstructed? Our Property taken from us? So that it may properly be said of us, *Sic vos non vobis fertis aratra*, our Ancestors drunk the Juice of their own Vines, reap'd and ate the Fruit of their own Harvest: But now the poor Man's Plow goes to furrow the Seas, to build Ships: We labour not for our selves, but to feed the Excretions of Nature, Things grown up out of the Ruins of the Natural Members; *Monopolists*.

Sir, These are *Maxima vitalia*; Religion, Justice, Property; the Heart, the Head, the Liver of this great Body; and these distempered or obstructed, can the subordinate Parts be free? No, Sir; The Truth is, all is so far out of Frame, that to lay open every particular Grievance were to drive us into despair of Cure: In so great Confusion, where to begin first, requires not much less care than what to apply.

Mr. *Speaker*, I know 'tis a plausible Motion, To begin with setting God's House in order first; who presses that, moves with such Advantage, that he is sure no Man will gainsay him. 'Tis a well-becoming Zeal to prefer Religion before our own Affairs; and indeed 'tis a Duty not to be omitted, where they are in equal Danger: But in cure of the Body Politick or Natural, we must prefer the most pressing Exigents.

Physicians know, that Consumptions, Dropfies, and such like lingering Diseases, are more mortal, more difficult to cure, than slight external Wounds; yet if the least Vein be cut, they must neglect their greater Cures to stop that, which if neglected, must needs exhaust the Stock of Nature, and produce a Dissolution of the whole Man.

A *Defection* from the Duties of our Religion, is a Consumption to any State; no Foundation is firm that is not laid in Christ.

The *Denial* of Justice, the Abridgement of our Liberties, is such an Obstruction as renders the Commonwealth *Leprous*; but the Wounds in our Property lets out the Life-blood of the People.

The *Reformation* of Church-Government must necessarily be a work of much Time; and God be thanked the Disease is not desperate; *We serve one God, we believe in one Christ, and we all acknowledge and profess one Gospel*. The Difference is only *de modo*, we vary but in Ceremonies; to reduce which, to the Primitive Practice, must be a Work of great Debate, is not a Work for us alone to settle.

The stop of Justice can yet injure but Particulars: 'Tis true, there be many, too many Instances of strange Oppressions, great Oppressors, but 'twill be hard to judge the Conclusion. *Et sic de ceteris*.

But take from us the Propriety of our Estates, our Subsistence, we are no more a People. This is that Vein which hath been so deep cut, so far exhausted, that to preserve our Being we must doubtless stop this Current; then settle Rules to live by, when we are sure to live.

Mr. *Speaker*, He that well weighs this little Word *Property*, or *Propriety* in our Estates, will find it of large Extent: The *Leeches* that have suck'd this Blood, have been *Excise*, *Benevolences*, *Loans*, *Impositions*, *Monopolies*, *Military Taxes*, *Ship-money* (*cum multis aliis*) all which spring from one Root.

And is it not high time to grub up that Root that brings forth such Fruit? Shall we first stand to lop the Branches one by one, when we may down with all at once? He that to correct an evil Tree, that brings forth bad Fruit, shall begin at the Master-bough, and so lop downwards, is in danger to fall himself before the Tree falls. The safer and speedier way is to begin at the Root, and there, with submission to better Judgments would I lay the Axe.

The Root of most of our present Mischiefs, and the Ruin of all Posterity, do I hold, to be that extrajudicial Judgment I cannot say, but rather Doom, delivered by all the Judges under their Hands out of Court, yet recorded in all Courts, to the Subversion of all our Fundamental Laws, Liberties, and Annihilation, if not Confiscation of our Estates; That in case of danger the King may impose upon his



An. 1640. *Subjects, and that he is the Sole Judge of the Danger, Necessity, and Proportion;* which in brief, is to take what, when, and where he will; which though delivered in the time of a Gracious and Merciful Prince, who we hope will not wrest it beyond our Abilities; yet left to the *Interpretation* of a succeeding Tyrant, if ever this Nation be so unfortunate to fall into the Hands of such; it is a Record wherein every Man might read himself a Slave that reads it, having nothing he can call his own, all prostitute to the Will of another.

What to do in such a Case, we are not to seek for Precedents; our Honourable Ancestors taught us in the just and exemplary Punishments of Chief Justice *Tresilian* and his Accomplices (forgiving their *Judgments* out of *Parliament* against the established *Laws of Parliament*) how tender they were of us, how careful we ought to be to continue those *Laws*, to preserve the Liberty of our Posterity.

I am far from maligning the Person, nor in my Heart wish I the Execution of any Man; but certainly it shall be a *Justice* well becoming this House, to lay their Heads at his Majesty's Mercy, who laid us under his Feet, who had made us but Tenants at Will of our Liberties and Estates.

And though I cannot but approve of Mercy, as a great Virtue in any Prince, yet I heartily pray it may prove a Precedent as safe and useful to this oppressed State as that of Justice.

Mr. *Speaker*, Blasted may that Tongue be, that shall in the least Degree derogate from the Glory of those Halcyon Days our Fathers enjoyed, during the Government of that ever-blessed, never to be forgot, Royal *Elizabeth*. But certainly I may safely say (without Detraction) it was much Advantage to the Peace and Prosperity of her Reign, that the great Examples of *Empson* and *Dudley* were then fresh in Memory. The *Civility* of our *Laws* tell us, That Kings can do no wrong; and then is the State secure, when Judges (their Ministers) dare do none. Since our Times have found the Want of such Examples, 'tis fit we leave some to Posterity. God forbid all should be thought or found guilty; there are doubtless some Ringleaders, let us sift them out. In publick Government, to pass by the Nocent, is equal Injustice, as to punish the Innocent. An Omission of that Duty now will be a Guilt in us, render us sham'd in History, curs'd by Posterity; our gracious and (in that Act of voluntary Justice) most glorious King, hath given up to the satisfaction of his afflicted People, the Authors of their Ruins: The Power of future Preservation is now in us. *Et qui non servat patriam, cum potest, idem facit destruenti patriam.*

What though we cannot restore the Damage of the Commonwealth, we may yet repair the Breaches in the Bounds of Monarchy. Though it be with our Loss and Charge, we shall so leave our Childrens Children, fenced as with a Wall of Safety, by the Restoration of our *Laws* to their ancient Vigor and Lustre.

'Tis too true, and 'tis to be feared, the Revenues of the Crown sold out-right, would scarce remunerate the Injuries, repay the Losses of this suffering Nation, since the pronouncing of that fatal Sentence. What proportionable Satisfaction then can this Commonwealth receive, in the Punishment of a few inconsiderable Delinquents? But 'tis a Rule valid in Law, approved in Equity, that *Qui non habent in crumena, Luant in Corpore*. And 'tis without all Question in Policy, Exemplary Punishments conduce more to the safety of a State, than pecuniary Reparations; Hope of Impunity lulls every bad great-Officer into security for his time; and who would not venture to raise a Fortune, when the Allurements of Honour and Wealth are so prevalent, if the worst that can fall be but Restitution?

We see the bad Effects of this bold erroneous Opinion; what was at first but corrupt Law, by Encouragement taken from their Impunity, is since become false Doctrine; the People taught in Pulpits, They have no Property; Kings instructed in that destructive Principle that all is theirs, and is thence deduc'd into necessary State-Policy, whispered in Council, That he is no Monarch who is bounded by any Law.

By which bad Consequences, the best of Kings hath been by the Infusion of such poisonous Positions diverted from the sweet Inclinations of his own Natural Equity and Justice, the very Essence of a King taken from him, which is Preservation of his People: And whereas *Salus populi* is, or should be, *Suprema Lex*, the Power of undoing us is mask'd under the Style of what should be Sacred, Royal Prerogative.

And is it not high time to make Examples of the first Authors of this subverted Law, bad-Council, worse-Doctrine?



Let no Man think to divert us from the pursuit of Justice, by poisoning the clear Streams of our Affection with jealous Fears of His Majesty's Interruption, if we look too high; shall we therefore doubt of Justice, because we have need of great Justice? We may be confident the King well knows, That his Justice is the Band of our Allegiance: That 'tis the Staff, the Proof of his Sovereignty.

'Tis a happy Assurance of his Intentions of Grace to us, that our Loyalty hath at last won him to tender the Safety of his People: And certainly (all our Presures well weighed this Twelve Years last past) it will be found the passive Loyalty of this suffering Nation, hath out-done the Active Duty of all Times and Stories. As the Poet hath it, *fortiter ille facit, qui miser esse potest*; I may as properly say, *Fideliter, fecimus*, we have done Loyally to suffer so patiently.

Then since our Royal Lord hath in Mercy visited us, let us not doubt, but in his Justice he will redeem his People. *Qui timide rogat docet negare*. But when Religion is innovated, our Liberties violated, our Fundamental Laws abrogated, our Modern Laws already obsoleted, the Propriety of our Estates alienated; nothing left us we can call our own, but our Misery and our Patience: If ever any Nation might justifiably, this certainly may now, now most properly, most seasonably cry out, and cry aloud, *Vel Sacra Regnet Justitia, vel Ruat Cælum*.

Mr. Speaker, The Sum of my humble Motion is, That a special Committee may be appointed, to examine the whole Carriage of that Extrajudicial Judgment. Who were the Councillors, Solicitors, and Subscribers to the same: The Reasons of their Subscription, whether according to their Opinions, by Importunity or Pressure of others, whether *pro forma tantum*. And upon Report thereof, to draw up a Charge against the Guilty, and then *Lex Currat, Fiat Justitia*.

The Lord Chief Baron Davenport appeared in the House of Lords, and submitted himself to their Lordships Pleasure, and consented to enter into a Recognizance of the same Condition as the Judges Yesterday did; which was done accordingly.

The Bishops of Bangor, Peterborough, and Landaff, became bound to the King in 10000 *l.* for the forth-coming of Matthew Wren, Lord Bishop of Ely; and his being present at the Judgment of the House of Lords against him, if any should be.

The Archbishop of Canterbury, upon his Petition to the House of Lords, had leave to go abroad to take the Air for his Health's sake, but in the Company and Presence of Mr. Maxwell, Gentleman Usher to the House, and to speak with no body at such times but in Mr. Maxwell's Presence, who was to be answerable for his Grace's forth-coming when he is with him.

It was moved in the Lords House, in regard to-morrow was Christmas-Day, That the Lords the Bishops might be excused from attending the House; whereupon it was Ordered, That as many of the Bishops as will come, may; the rest to be excused for their Absence.

Whereas an Order was formerly made, That the Customers should pay no Money but for the Maintenance of the King's Household; it was this Day revoked, by reason they were to pay Money taken out of the Tower.

It was resolved by Question of the House, That the Proceedings against the Lord Mount-Norris, and the Lord Dillon, two Irish Lords, by the Lord Lieutenant of Ireland, and the Council there, were illegal; and that the Judges ought to be called in Question, and punished for the same.

Friday the 25th was Christmas-Day; and upon Saturday the 26th, the Bill of Subsidies was only read and debated on.

It was Ordered, That the Committee concerning the Lieutenant of Ireland, and the Archbishop of Canterbury, have Power to make Reparations to the Parties that complain for the Wrongs they have sustained. This Day was reported from the House of Lords, by Sir Henry Vane, from

16 Caroli.

Die Mercurii,  
23 die Decemb.  
Lord Chief  
Baron ap-  
pears.

Sureties for  
the Bishop of  
Ely.

Order for the  
Archbishop  
of Canterbury's  
taking the  
Air.

Bishops ex-  
cused from  
Attendance  
on Christmas-  
day.

Thursday, De-  
cemb. 24.

Monday, De-  
cemb. 28.



An. 1640.

Tuesday, De-  
cemb. 29. Wil-  
liam Pierce,  
Son to the Bi-  
shop of Bath  
and Wells.

Saturday, Jan.  
9. 1640-1.

Monday, Jan.  
11.

Tuesday, Jan.  
12.

from a Conference had with the Lords, That the Fourth and Fifth Article of the Scots are condescended unto; viz. The Punishment of the Scots in their own Country, and of the English here; and the Restoration of their Ships taken since the War; and that the King would protect no Man, nor keep them in any Service or Office, without consent of Parliament. This Day a Cessation of Arms for a Month longer was agreed upon, according to the Agreement formerly made.

A Message sent to the Lords, to desire them to request the Scottish Lords to make good their Proofs with all speed, against the Lord Lieutenant of Ireland, and the Archbishop of Canterbury, that so their Lordships may proceed to Sentence against them.

An Information was given by Alderman Pennington, That William Pierce, Arch-Deacon, Son to the Bishop of Bath and Wells, should say in Mr. Coleman's House, who seemed to be concerned at the Dissolution of the last Parliament, *A Pox of God take them all for a Company of Puritannical factious Fellows, that would wyre draw the King for Money; saying, That a Spanish Don would lend him Two Millions; and, That the King would never be at quiet till he had taken off Twenty or more of their Heads.* This being proved by three Witnesses, he was upon his Knees at the Bar, and denied it; so he was delivered to the Serjeant at Arms till the House should proceed to Censure.

From this Day the House Adjourned till Saturday the 9th of January, by reason of Christmas-Week, and New-Years-Day.

The Bill for Subsidies was read again; and a Citizen questioned for Printing a Book, containing an Order of the House concerning the setting up of Preaching Ministers in every Place, and the removing of scandalous ones; to which Order he had added divers Directions of his own; for which he was glad to submit himself, and so was acquitted.

The Petition of the Creditors of Childe the Scrivener was read in the House, and referred to a Committee to consider of it; and it was intended that a Bill should be drawn for an Act to prevent such Fraud hereafter.

Divers Motions were made this Day concerning Sheriffs rigorous Proceedings in the Levying of Ship-Money; and it was moved, that there might be a Difference made between those that Levied according to the Writ, and those who proceeded according to Instructions, by imprisoning of Parties and Constables, and causing them to be sent for by Purse-vants.

A Bill was put up in the House for a Parliament to be held once in Three Years; and a Committee chosen for perfecting of it, that so it might be sent up to the Lords.

An Order was made, That Committees should sit till these Businesses were dispatched: 1. Concerning the Earl of Strafford. 2. The Archbishop of Canterbury. 3. The Canons. 4. The Lord Keeper. 5. Secretary Windebank. 6. The Bishop of Bath and Wells. 7. The Privilege of the Subject, and Breach of Privilege of Parliament. 8. The Proceedings of the Council-Table. 9. The King's Court of Honour. 10. Ship-Money, and the rigorous Levying of it. 11. Abuses of the Lord Lieutenant of Ireland. 12. The Town of Weymouth, concerning the restraining Salt, Soap, &c. 13. For frequent holding of Parliaments, a Bill being drawn already for one every Three Years. 14. The Committee for Religion. 15. Trade. 16. The Courts of Justice.

Order was taken with some of the Custom-House, for the Provision of 60000 Pounds within Eight Days now coming, and 20000 Pounds within Twenty Days after that.

Also



Also this Day several Petitions were put into the House, in the behalf of Three several Counties, concerning the Evils suffered by Reason of the Government of Bishops. 16 Caroli.

For and on the behalf of the County of *Kent*, this ensuing Petition was delivered.

## To the Honourable Houses of Parliament now Assembled.

The Humble Petition of many of the Inhabitants within His Majesty's County of *KENT*.

*Most Humbly Shewing,*

**T**hat by sad Experience we do daily find the Government of the Church of *England*, by Archbishops, Bishops, Deans and Arch-deacons, with their Courts, Jurisdictions, and Administrations by them and their Inferior Officers, to be very dangerous both to Church and Commonwealth; to be the Occasions of manifold Grievances unto his Majesty's Subjects in their Consciences, Liberties, and Estates, and likely to be fatal to us in the continuance thereof; the dangerous Effects of which Lordly Power in them, have often appeared in these Particulars following.

The *Kentish* Petition against Bishops.

1. They do (with a hard Hand) over-rule all other Ministers, subjecting them to their cruel Authority.
2. They do suspend, punish, and deprive many godly, religious, and painful Ministers, upon slight or no Grounds: whilst in the mean time, few of them do preach the Word of God themselves, and that but seldom. But they do restrain the painful Preaching of Others, both for Lectures, and for Afternoon Sermons on the Sabbath Day.
3. They do countenance, and have of late encouraged Papists, Priests, and *Arminian* both Books and Persons.
4. They hinder good and godly Books to be Printed; yet they do license to be published, many Popish, *Arminian*, and other dangerous Tenents.
5. They have deformed our Churches with Popish Pictures; and suited them with *Romish* Altars.
6. They have of late extolled and commended much the Church of *Rome*, denying the Pope to be Antichrist; affirming the Church of *Rome* to be a true Church in Fundamentals.
7. They have practised and enforced antiquated and obsolete Ceremonies, as standing at the Hymns, at *Gloria Patri*, and turning to the *East* at several Parts of the Divine Service, bowing to the Altar, which they term the Place of God's Residence upon Earth; the reading of a Second Service at the Altar, and denying the Holy Sacrament of the Eucharist to such as have not come up to a new-set Rail before the Altar.
8. They have made and contrived illegal Canons and Constitutions, and framed a most pernicious and desperate Oath; an Oath of Covenant and Confederacy for their own Hierarchical Greatness, besides many other dangerous and pernicious Passages in the said Canons.
9. They do dispence with Plurality of Benefices; they do both prohibit and grant Marriages, neither of them by the Rule of Law or Conscience, but do prohibit that they may grant, and grant that they may have Money.
10. They have procured licentious Liberty for the Lords-day, but have pressed the strict Observation of Saints Holy-days, and do punish, suspend, degrade, deprive Godly Ministers for not publishing a Book for Liberty of Sports on the Sabbath-day.
11. They do generally abuse the great Ordinance of Excommunication, making sometimes a Gain of it, to the great discomfort of many poor Souls, who for want of Money, can get no Absolution.



An. 1640.

12. They claim their Office and Jurisdiction to be *Jure divino*, and do exercise the same (contrary to Law) in their own Names, and under their own Seals.

13. They receive and take upon them Temporal Honours, Dignities, Places and Offices in the Commonwealth, as if it were lawful for them to use both Swords.

14. They take cognizance in their Courts and elsewhere, of Matters determinable at the Common Law.

15. They put Ministers upon Parishes, without the Patron, and without the Peoples Consent.

16. They do yearly impose Oaths upon Church-Wardens, to the most apparent danger of filling the Land with Perjury.

17. They do exercise Oaths *ex Officio*, in the Nature of an *Inquisition*, even into the Thoughts of Men.

18. They have apprehended Men by Pursevents, without Citation or Missives first sent : They break up Mens Houses and Studies, taking away what they please.

19. They do awe the Judges of the Land with their Greatness, to the inhibiting of Prohibitions, and hindring of *Habeas Corpus* when it is due.

20. They are strongly suspected to be confederate with the *Roman* Party in this Land, and with them to be Authors, Contrivers, or Consenters to the present Com-motions in the *North* ; and the rather, because of Contribution by the Clergy, and by the Papists in the last Year, 1639. and because of an ill-named Benevolence of six Subsidies granted or intended to be granted this present Year 1640. thereby, and with these Monies to engage ( as much as in them lieth ) the two Nations into Blood.

It is therefore humbly and earnestly prayed, That this Hierarchical Power may be totally abrogated, if the Wisdom of this Honourable House shall find that it cannot be maintained by God's Word, and to his Glory.

And we your Petitioners shall ever pray.

Londoners Pe-  
tition con-  
cerning Ec-  
clesiastical  
Government.

Ordered, That the *Londoners* Petition, and those other Petitions that are already delivered in, or shall in the mean time be delivered concern-  
ing the *Ecclesiastical Government*, shall be read, and debated on *Monday* come seven-night. And Mr. *Speaker* is Ordered to put the House in mind of this Order at the same time.

Mr. Smart a-  
gainst three  
Doctors of  
the Civil-  
Law.

Ordered, That Dr. *Easdale*, Roger *Blanchard*, and Phineas *Hodson*, Doctor in Divinity, shall shew Cause unto this House why they do not pay the Monies adjudged to be paid to Mr. *Peter Smart*, upon a *Judg-ment in the Kings-Bench*, against the said *Easdale*, *Hodson*, and *Blanchard*, at the Suit of the said *Peter Smart* about Ten Years since.

*The Accusations and Impeachment of John Lord Finch, Baron of Fordwich, Lord Keeper of the Great Seal of England, by the House of Commons.*

Articles of  
Impeach-  
ment against  
Lord Keeper  
*Finch*, Jan. 14.  
1640.

*Imprimis*, **T**hat the said *John Lord Finch*, Baron of *Fordwich*, Lord Keeper, &c. hath Traiterously and Wickedly endeavoured to subvert the Funda-  
mental Laws and Established Government of the Realm of *England*, and instead thereof, to introduce an Arbitrary and Tyrannical Government against Law, which he hath declared by Traiterous and Wicked Words, Counsels, Opinions, Judgments, Practices, and Actions.

Vide the Re-  
lation of this,  
taken out of the  
King's Decla-  
ration in the  
Passage, Dec. 5.  
1640.

2. That in pursuance of those his Traiterous and wicked Purposes, he did in the Third and Fourth Year of his Majesties Reign, or one of them, being then Speaker of the Commons House of Parliament, contrary to the Commands of the House then assembled and sitting, deny and hinder the reading of some things which the said House of Commons required to be read for the safety of the King and King-  
dom, and preservation of the Religion of this Realm ; and did forbid all the Members of the House to speak, and said, That if any did offer to speak, he would rise and go away, and said nothing should be then done in the House, and did offer to rise and go away ; and did thereby and otherwise, in as much as in him lay, en-  
deavour to subvert the ancient and undoubted Rights and Course of Parliaments.

3. That



3. That he being of his Majesty's Council at the Justice Seat held for the County of *Essex*, in the Month of *October*, in the Tenth Year of his now Majesty's Reign at *Stratford Langton* in the same County, being then of his Majesty's Council, in that Service did practise by unlawful means, to enlarge the Forest of that County, many Miles beyond the known Bounds thereof, as they had been enjoyed near 300 Years, contrary to the Law, and to the Charter of the Liberties of the Forest, and other Charters, and divers Acts of Parliament: And for effecting the same, did unlawfully cause and procure undue Returns to be made of Jurors. and great Numbers of other Persons who were unsworn, to be joined to them of the Jury, and threatned and awed the said Jurors to give a Verdict for the King, and by unlawful means did surprize the County, that they might not make Defence, and did use several menacing wicked Speeches and Actions, to the Jury and others, for obtaining his unjust Purpose aforesaid; and after a Verdict obtained for the King in the Month of *April* following (at which time the said Justice Seat was called by Adjournment) the said *John Lord Finch*, then Lord Chief Justice of his Majesty's Court of *Common-Pleas*, and one of the Judges Assistants for them, continued by futher unlawful and unjust Practices, to maintain and confirm the said Verdict, and did then and there, being Assistant to the Justice in *Eyre*, advise the Refusal of Traverse offered by the County, and all their Evidences, but only what they should verbally deliver, which was refused accordingly.

4. That about the Month of *November*, 1635, he being then Lord Chief Justice of the *Common Pleas*, and having taken an Oath for the due Administration of Justice to his Majesty's Liege People, according to the Laws and Statutes of this Realm, contrived an Opinion in *hec verba*, (When the good and safety, &c.) and did subscribe his Name to that Opinion; and by Perswasions, Threats, and false Suggestions, did sollicit and procure Sir *John Bramstone*, Kt. then and now Lord Chief Justice of *England*; Sir *Humphrey Davenport*, Kt. Lord Chief Baron of his Majesty's Court of *Exchequer*; Sir *Richard Hutton*, Kt. late one of the Justices of his Majesty's Court of *Common-Pleas*; Sir *John Denham*, Kt. late one of the Barons of his Majesty's Court of *Exchequer*; Sir *William Jones*, Kt. late one of the Justices of the said Court of *King's-Bench*, Sir *George Crooke*, then and now one of the Judges of the said Court of *King's-Bench*; Sir *Thomas Trevor*, Kt. then and now one of the Barons of the *Exchequer*; Sir *George Vernon*, Kt. late one of the Justices of the said Court of *Common-Pleas*; Sir *Robert Barkley*, Kt. then and now one of the Justices of the said Court of *King's-Bench*; Sir *Francis Crawley*, Kt. then and now one of the Justices of the said Court of *Common-Pleas*; Sir *Rich. Weston*, Kt. then and now one of the Barons of the said Court of *Exchequer*, some or one of them to subscribe with their Names the said Opinion presently; and enjoined them severally, some or one of them Secresly upon their Allegiance.

5. That he the Fifth of *June*, then being Lord Chief Justice of the said Court of *Common-Pleas*, subscribed an extrajudicial Opinion in Answer to Questions in a Letter from his Majesty, in *hec verba*, &c.

And that he contrived the said Questions, and procured the said Letter from his Majesty; and whereas the said Justice *Hutton*, and Justice *Crooke*, declared to him their Opinions to the contrary, yet he required and pressed them to subscribe, upon his Promise that he would let his Majesty know the Truth of their Opinions, notwithstanding such Subscriptions, which nevertheless he did not make known to his Majesty, but delivered the same to his Majesty as the Opinion of all the Judges.

6. That he being Lord Chief Justice of the said Court of *Common-Pleas*, delivered his Opinion in the *Chequer-Chamber* against Mr. *Hampden* in the case of Ship-Money; that he the said Mr. *Hampden* upon the Matter and Substance of the Case, was chargeable with the Money then in Question; a Copy of which Proceedings the Commons will deliver to your Lordships, and did sollicit and threaten the said Judges, some or one of them, to deliver their Opinions in like manner against Mr. *Hampden*; and after the said Baron *Denham* had delivered his Opinion for Mr. *Hampden*, the said Lord *Finch* repaired purposely to the said Baron *Denham's* Chamber in *Serjeants-Inn* in *Fleetstreet*, and after the said Mr. Baron *Denham* had declared and expressed his Opinion, urged him to retract the said Opinion, which he refusing, was threatned by the Lord *Finch* because he refused.

7. That he then being Lord Chief Justice of the Court of *Common-Pleas*, declared and published in the *Exchequer-Chamber*, and *Western Circuit*, where he went Judge, That the King's Right to Ship-Money, as aforesaid, was so inherent a Right to the Crown, as an Act of Parliament could not take it away; and with divers



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malicious Speeches inveighed against, and threatned all such as refused to pay Ship-Money: All which Opinions contained in the Fourth, Fifth, and Sixth Articles, are against the Law of the Realm, the Subjects Right of Property, and contrary to former Resolutions in Parliament, and to the *Petition of Right*; which said *Resolutions*, and *Petition of Right*, were well known to him, and Resolved and Enacted in Parliament, when he was *Speaker* of the Commons House of Parliament.

8. That he being Lord Chief Justice of the Court of *Common-Pleas*, did take the general Practice of that Court to his private Chamber; and that he sent Warrants into all or many Shires of *England* to several Men, as to *Francis Giles* of the County of *Devon*, *Robert Benson* of the County of *York*, Attorneys of that Court, and to divers others, to release all Persons arrested on any Outlawry for about 40 Shillings Fees; whereas none by Law so arrested, can be bailed or released without Superseas under Seal or Reversal.

9. That he being Lord Chief Justice of the Court of *Common-Pleas*, upon a pretended Suit begun in *Michaelmas-Term*, in the 11th Year of his Majesty's Reign, altho' there was no Plaint or Declaration against him, did notoriously and contrary to all Law and Justice, by Threats, Menaces, and Imprisonment, compel *Thomas Lawrence*, an Executor, to pay 19 Pounds, 12 Shillings; and likewise caused *Richard Bernard*, being only Overseer of the last Will of that Testator, to be Arrested for the Payment of the said Money, contrary to the Advice of the rest of the Judges of that Court, and against the known and ordinary Course of Justice, and his said Oath and Knowledge; and denied his Majesty's Subjects the common and ordinary Justice of this Realm, as to Mr. *Limerick* and others; and for his private Benefit endamaged and ruined the Estates of very many of his Majesty's Subjects, contrary to his Oath and Knowledge.

10. That he being Lord-Keeper of the Great Seal of *England*, and sworn one of His Majesty's Privy-Council, did by false and malicious Slanders, labour to incense his Majesty against Parliaments, and did frame and advise the publishing the Declaration after the Dissolution of the last Parliament.

All which Treasons and Misdemeanors above-mentioned, were done and committed by the said *John Lord Finch*, Baron of *Fordwich*, Lord-Keeper of the Great Seal of *England*, and thereby he the aforesaid *Finch* hath Trayterously, and contrary to his Allegiance, laboured to lay Imputations and Scandals upon his Majesty's Government, and to alienate the Hearts of his Majesty's Liege-People from his Majesty, and to set a Division between them, and to ruin and destroy his Majesty's Realm of *England*; for which they do impeach him the said Lord *Finch*, Baron of *Fordwich*, Lord-Keeper of the Great Seal of *England*, of High-Treason against our Sovereign Lord the King, his Crown and Dignity, of the Misdemeanors abovementioned. And the said Commons by Protestation saving to themselves the liberty of exhibiting at any time hereafter, any other Accusation or Impeachment against the said Lord *Finch*, and also of replying to the Answer, that the said *John Lord Finch* shall make unto the said Articles, or to any of them, and offering Proof of the Premises, or any of their Impeachments or Accusations that shall be exhibited by them, as the Case shall according to the Course of Parliaments require, do pray, That the said *John Lord Finch*, Baron of *Fordwich*, Lord-Keeper of the Great Seal of *England*, may be put to answer to all and every of the Premises, and such Proceedings, Examinations, Tryals, and Judgments, may be upon every of them, had and used, as is agreeable to Law and Justice.

The Opinion mentioned in the 4th Article, with the Letter, Questions and Opinion related to in the 5th Article, are to be seen in our Second Part formerly Published.

*Resolved upon the Question,*

That these Articles thus read and engrossed, shall be sent up to the Lords, in maintenance of the Commons Charge against *John Lord Finch* of *Fordwich*, late Lord-Keeper of the Great Seal of *England*.

Mr. *Arthur Goodwin* is appointed to go up with a Message to the Lords to desire a Conference with their Lordships, by a Committee of both Houses, concerning Articles to be delivered in maintenance of the Commons Accusation of *John Lord Finch* of *Fordwich*, late Lord-Keeper of the Great Seal of *England*, and concerning the Liberty and Property of the Subject.

*Ordered,*

Message concerning *John Lord Finch*.



Ordered, That the Committee for the Bishop of *Ely*, shall have Power to receive all Complaints of Pressures and Enormities committed by or under the present Bishop of *Normich*; but they are to proceed first with the Matters concerning the Bishop of *Ely*.

Mr. *Bany*, *Thomas Plenty*, and *John Carter*, who were formerly by Order from this House sent for as Delinquents by the Serjeant at Arms attendant on this House, to answer the Contempts in *arresting and causing to be arrested* several of the Servants of Mr. *Hollis*, a Member of this House, *during the time of Privilege of Parliament*, were severally called in to the Bar, and kneeling there, and acknowledging their Offence, were, by Order of the House, made known unto them by Mr. *Speaker*, discharged from their Imprisonment, or any further Punishment.

At the Request of the Lord *Faulkland*, Mr. *Hide* is appointed to be assistant unto him, for the reading of the Articles to be delivered against the late Lord Keeper.

Mr. *Goodwin* brings Answer, That according to the Order of this House, he had delivered the Message to their Lordships; and their Lordships will give a meeting to Morrow Morning at Nine of the Clock, by a Committee of the whole House, as is desired.

### Lord *Faulkland's* SPEECH.

Mr. *Speaker*,

These Articles against my Lord *Finch* being read, I may be bold to apply that of the Poet, *Nil refert tales versus qua voce legantur*; and I doubt not but your Lordships must be of the same Opinion, of which the House of Commons appears to have been by the choice they have made of me, that the Charge I have brought is such, as needs no assistance from the Bringer, leaving not so much as a Colour for any Defence; including all possible Evidence, and all possible Aggravation, that Addition alone excepted, which he alone could make, and hath made, I mean his Confession, included in his Flight.

Here are many and mighty Crimes, *Crimes of Supererogation*, (so that High-Treason is but a Part of his Charge) pursuing him fervently in every several Condition, (being a silent Speaker, an unjust Judge, and an unconscionable Keeper.) That his Life appears a perpetual Warfare, (by Mines, and by Battery, by Bartel, and by Stratagem) against our Fundamental Laws, which by his own Confession, several Conquests had left untoucht; against the Excellent Constitution of this Kingdom, which hath made it appear unto Strangers rather an Idea, then a real Commonwealth, and produced the Honour and Happiness of this, to be a Wonder of every other Nation, and this with such unfortunate Success, that as he always intended to make our Ruins a Ground of his Advancement; so his Advancement the Means of our further Ruin.

After that, contrary to the End of his Place, and the End of that Meeting in which he held his Place, he had as it were gagged the Commonwealth, taking away, (to his Power) all Power of Speech from that Body, of which he ought to have been the Mouth, and which alone can perfectly represent the Condition of the People, whom that Body only represents; which if he had not done, in all probability, what so grave and judicious an Assembly might have offered to the Consideration of so gracious and just a Prince, had occasioned the redress of the Grievances they then suffered, and prevented those which they have since endured, according to the ancient Maxim of *Odisse quos laeseris*; he pursued this Offence towards the Parliament, by inveighing against the Members, by scandalizing their Proceedings, by trampling upon their *Acts* and *Declarations*, by usurping and devolving the Right, by diminishing and abrogating the Power, both of that and other Parliaments, and making them (as much as in him lay) both useless and odious to His Majesty; and pursued his hatred to this Fountain of Justice, by corrupting the Streams of it, the Laws; and perverting the Conduit-Pipes, the Judges.

16 *Caroli.*

Bishop of *Ely*.

Delinquents  
discharg'd for  
Breach of Pri-  
vilege.

Mr. *Hide*.

Lord Keeper.

Lord *Faulk-*  
*land's* Speech  
after the read-  
ing the Arti-  
cles against  
the Lord  
Keeper *Finch*,  
*Jan. 14. 1640.*



An. 1640.

He practised the annihilating of Ancient and Notorious Perambulations of particular Forests, the better to prepare himself to annihilate the Ancient, and Notorious Perambulations of the whole Kingdom, the Meets and Bounders between the Liberties of the Subject, and Sovereign Power; he endeavoured to have all Tenures *durante bene placito*; to bring all Laws from his Majesties Courts, into his Majesties Breast; he gave our Goods to the King, our Lands to the Deer, our Liberties to his Sheriffs; so that there was no way by which we had not been oppressed, and destroyed, if the Power of this Person had been equal with his Will: Or that the Will of his Majesty had been equal to his Power.

He not only by this Means made us liable to all the Effects of an Invasion from without, but (by destruction of our Liberties, which included the Destruction of our Propriety, which included the Destruction of our Industry) to the terriblest of all Invasions, that of Want and Poverty. So that if what he plotted had taken Root (and he made it as sure as his Declaration could make it (what himself was not) Parliament-Proof) in this wealthy and happy Kingdom, there could have been left no Abundance but of Grievances and Discontentment; no Satisfaction but amongst the Guilty. It is generally observed of the Plague, that the Infection of others, is an earnest and constant desire of all that are seized by it: and as this Design resembles that Disease, in the Ruin, Destruction, and Desolation it would have wrought; so it seems no less like it in this Effect: he having so laboured to make others share in that Guilt, that his Solicitation was not only his Action, but his Works, making use both of his Authority, his Interest, and Importunity, to persuade; and in His Majesties Name (whose Piety is known to give that excellent Prerogative to his Person, that the Law gives to his Place, not to be able to do wrong) to threaten the rest of the Judges, to sign Opinions contrary to Law, to assign Answers contrary to their Opinions, to give Judgment which they ought not to have given, and to recant Judgment, when they had given it as they ought; so that whosoever considers his Care of, and Concernment, both in the Growth and in the Immortality of this Project, cannot but by the same Way by which the wisest Judgment found the true Mother of the Child, discover him, not only to have been the Fosterer, but the Father of this most pernicious and envious Design.

I shall not need to observe, that this was plotted and pursued by an *English-Man* against *England*, (which increaseth the Crime in no less Degree than Parricide is beyond Murther) and this was done in the greatest Matter joyned to the greatest Bond, being against the greatest Liberty, and publick Propriety, by a sworn Judge (and if Salt it self become unfavoury, the Gospel it self hath design'd whither it must be cast) that he poisoned our very Antidotes, and turned our Guard into a Destruction, making Law the Ground of Illegality: that he used the Law not only against us, but against it self; making it, as I may say; *Felo de se*, making the Pretence, (for I can scarce say, the Appearance of it) so to contribute to the utter Ruin of it self.

I shall not need to say, that either this is (or can be) of the highest Kind, and in the highest Degree Parliamentary Treason, a Treason which needs not a computation of many several Actions, which alone were not Treason, to prove a Treason altogether, and by that Demonstration of the Intention, to make that formally Treason which were materially but a Misdemeanour. This is a Treason as well against the King, as against the Kingdom; for whatsoever is against the Whole, is undoubtedly against the Head, which takes from His Majesty the ground of his Rule, the Laws, (for if Foundations be destroyed, the Pinacles are most endangered) which takes from his Majesty the principal Honour of his Rule, the Ruling over Free-men, a Power as much Nobler than that over Villains, as that is than that over Beasts; which endeavoured to take from his Majesty the principal Support of his Rule, the Hearts and Affections of those over whom he rules (a better and surer Wall to the King, than the Sea is to the Kingdom) and strengthen a mutual Distrust, and by that a mutual Disaffection between them, to hazard the Danger even of the Destruction of both.

My Lords,

I shall the less need to press this, because, as it were unreasonable in any Case to suspect your Justice, so here especially, where your Interest so nearly unites you; your great share in Possessions, giving you an equal Concernment in Propriety; the care and pains used by your Noble Ancestors in the founding and asserting of our Common Liberties, rendring the just Defence of them, your most proper and peculiar



culiar Inheritance, and both exciting to oppose and extirpate all such Designs as did introduce, and would have settled an Arbitrary, that is, an Intolerable Form of Government, and have made even your Lordships and your Posterity but Right Honourable Slaves.

My Lords,

I will spend no more Words, *Luctando cum larva*, in accusing the Ghost of a departed Person, whom his Crimes accuse more than I can do; and his Absence accuseth no less than his Crimes. Neither will I excuse the Length of what I have said, because I cannot add to an Excuse, without adding to the Fault; or my own Imperfections, either in the Matter or Manner of it, which I know must appear the greater, by being compared with that learned Gentleman's great Ability, who hath preceded me at this Time: I will only desire by the Command, and in the Behalf of the House of Commons, that these Proceedings against the Lord *Finch*, may be put in so speedy a Way of Dispatch, as in such Cases the Course of Parliament will allow.

Thursday, Jan. 14th.

A Bill for the Limitation and Abbreviation of *Michaelmas* Term, read the first time.

That the Committee for the Judges do sit this Afternoon till Two of the Clock, in the Dutchy Chamber.

Ordered, That Thanks be rendred from this House to Mr. *St. Johns* and Mr. *Whitlock*, the Lord *Falkland*, and Mr. *Hide*, for the great Service they have performed to the Honour of this House, and Good of the Commonwealth, in the transferring the Businesses of the Ship-money, and the other Matters concerning the Liberty and Property of the Subjects, and the Articles against the late Lord Keeper.

Die Veneris Jan. 15.

Ordered, That the Business between Sir *Francis Popham*, and Sir *Edward Bainton*, concerning the Election for the Town of *Chippenham* in the County of *Wilts*, now depending before the Committee for Privileges, and by them Ordered to be heard on Thursday next, be put off till Thursday come Fortnight, in regard the Witnesses that are to be produced in the said Cause, live far off.

A Bill for the Naturalizing of *James Bove* Merchant, and others.

A Bill declaring the Ancient and Common Law of the Land, concerning *Salt Marshes*, Inned Ground, &c. read the first time.

The Business concerning the Election for *Bossiny* to stand as it does till after Thursday next, at which time the Committee for Privileges is to enter into the Consideration of it.

Ordered, That the Committee appointed to draw up the Charge against the Earl of *Strafford*, shall desire to have the Depositions that are yet Sealed up, delivered unto them, and may add and insert such particular Instances, and other Circumstances, as they in their Discretions shall think fit, to the several Articles delivered in Charge against the Earl of *Strafford*, according to the saving in the Conclusion of those Articles, and that they present the whole Matter to the House on Monday Morning next.

Ordered, That the Business concerning the Raising of Monies by the voluntary Offers of the Members of this House, be resumed in the first Place to-morrow Morning.

Ordered, That a Letter under Mr. *Speaker's* Hand be directed to the Lord Mayor of *London*, to desire him to call a Common-Hall, and to propound unto the Citizens the great Occasions that are for the raising of 60000 l. for the Service and Safety of the Commonwealth, and to desire their Assistance in this great Work; and to intimate unto them, That there

16 Caroli.

Michaelmas Term.

Judges.

Members thanked for transmitting to the Lords the several Charges, and Ship-Money.

Election, January 15.

James Bove.

Salt Marshes.

Election for Bossiny.

Depositions concerning the Earl of Strafford.

Raising of Money by the voluntary Offer of Members.

To call a Common Council for raising of Money upon Security of the Subsidies.



An. 1640.

Letter peru-  
sed.Committee  
for the King's  
Army.

Subsidies.

Committee  
for the Arch-  
Bishop of  
Canterbury.  
Saturday  
Jan. 16.  
Bedford and  
Sir Lewis  
Dives.Mr. Rich his  
Writings.Bishop of  
Ely.Message.  
Examinations  
against the  
Earl of Straf-  
ford.Commis-  
sioners for Sub-  
sidies.Mr. Rouse  
Reports  
Mr. Foxley's  
Case.

Resolution.

Mr. Foxley.

Resolution.

there shall be Provision in the Bill of Subsidies, which is now ready to pass, for the Security of their Money and Interest, in the like manner as it is provided for others that have advanced Monies in the same kind.

This Letter is to be perused by Sir *John Culpeper*, Mr. *Hampden*, and Mr. *Pym*, before it be sent to the Lord Mayor.

Ordered, That the Committee last appointed for the King's Army, do meet this Afternoon at Two of the Clock in the Court of Wards; to consider of some Heads to be presented to the House to-morrow Morning, concerning the Business formerly committed unto them.

Resolved upon the Question, That the Bill of Subsidies shall be Read upon Monday Morning next.

Ordered, That Mr. *Treasurer* make Report of the Conference the 12th of January to-morrow Morning.

The Committee for the Lord of *Canterbury*, to be put off till Monday next at Two of the Clock in the *Dutchy Chamber*.

Ordered, That the several Petitions delivered this Day from the Knights, Esquires and Gentlemen of the County of *Bedford*, and the Petition this Day exhibited by Sir *Lewis Dives*, be referred to the Committee formerly appointed for a former Petition exhibited by Sir *Lewis Dives* to be considered of when the Committees shall be Reassumed.

Ordered, That *Samuel Rich* Clerk, shall have all his Evidences, Deeds, and other Writings, delivered unto him by Mr. *Constantine*, that hath the Chair for that Business.

The Petition of *John Ward*, and *Clement Wray*, on the behalf of themselves, and about Fourscore others, was Read, and referred to the Committee for the Bishop of *Ely*, for them to make the best use of it they can in the preparing of his Charge; and the Committee is required to bring the Petition to the House on Monday come Seven-night.

Mr. *Pym* went up to the Lords with a Message to this Effect:

To desire their Lordships, That those Examinations which at the Request of this House, were taken in the Case of the Earl of *Strafford* by the Lords Deputed to that Purpose, may be delivered to the Committees of this House, appointed to draw up the Charge against the said Earl; that they may make use of them, for the enlarging of their Charge in Particularities of Evidences, according to the Clause of Reservation in the Conclusion of the said Charge; and likewise to make declaration, that howsoever by the Course of Parliaments, this House might proceed with the Charge in General; yet to avoid all scruples, and to bring the Business the sooner to a Conclusion, they do desire to proceed in this Way.

The Names of the Commissioners for the Subsidies, are forthwith to be sent to the Clerk of the *Petty-bag*, to prepare the Commissions with all the Diligence and Speed he can.

Mr. *Rouse* Reports Mr. *Foxley's* Case; And upon that Report

It was Resolved upon the Question, That the Warrant made by Sir *John Lambe* and others, Commissioners for the apprehending of Mr. *Foxley*, and seizing his Papers, is Illegal and Unjust.

Resolved upon the Question, That the Warrant under the Hand of the Lord *Archbishop* of *Canterbury*, the Lord *Coventry* then Lord *Keeper*, the Lord *Treasurer*, Lord *Privy Seal*, Lord *Cottington*, and Secretary *Windebanke*, for the Committing of Mr. *Foxley* Close Prisoner, is Illegal.

Resolved upon the Question, That Mr. *Foxley* ought to be freed from the Restraint he lies under, by Colour of this Warrant.

Resolved upon the Question, That Mr. *Foxley* ought to have Re-  
parations.

Ordered,



Ordered, That this Business concerning Mr. Foxley, be committed to the same Committee, to prepare it in a fit way for this House to transfer it to the Lords.

Mr. Selden,  
Mr. Glyn,  
Mr. Grimston,  
Sir Tho. Widrington,

Mr. Bagshaw,  
Mr. White,  
Mr. Peard,

This Committee, or any Three or Four of them, are to consider of the Causes of the Restraint of those that are in the Serjeants Custody; and to consider who areailable, and to give Directions for their Bail; and the Serjeant is to attend the Committee at the same time, with the Names of those that are in his Custody, and the Orders upon which they are committed; and they are to meet this Afternoon at two of the Clock in the Court of Wards.

Mr. Pym brings an Answer from the Lords, That their Lordships will take the Message from this House concerning the Examinations against the Earl of *Strafford*, into serious Consideration, and send Answer by Messengers of their own.

A Message from the Lords by Mr. Attorney, and Mr. Serjeant *Glanville*.

Their Lordships have taken the Message of this House into serious Consideration; and have given Order, That the Examinations taken by the Lords deputed, concerning the Earl of *Strafford*'s Business, shall be delivered to the Committee of this House, at such time, and in such manner as this House shall desire.

Mr. Treasurer Reports the Conference on the 12th of *January*, about the Scots Demands.

Ordered, To take this Report now made by Mr. Treasurer, concerning the Demands of the Scots, into consideration at Nine of the Clock on Tuesday Morning.

Mr. *Richard Herbert* has License to go and speak with Sir *George Ratcliffe*, but with this Restriction, That he speak of nothing unto him but in the presence of his Keeper.

Sir *Robert Pye* has leave to go and speak with him upon the same Restriction.

Ordered, That the Committee last appointed for the King's Army, shall meet this Afternoon at Two of the Clock, to take into consideration the Things formerly committed unto them, and to present certain Heads of their Resolutions upon them to the House: They are likewise to present unto the House some fit way for a perfect Muster-Roll to be made of the King's Army; and how it may be settled in such Estate, that it may be useful and in a Posture of Defence; and of some way of keeping the Army from Disbanding, by giving them Credit in the Country, till Money can come down unto them.

Mr. *Capell* is added to this Committee.

The House of Lords were this Day informed by the Lord Privy Seal, of a Paper lately delivered to His Majesty, which he recommended to the Consideration and Justice of that House, being as followeth.

January 13. 1640.

Edmond Chillendon, Nicholas Tyne, John Webb, Richard Sturges, Thomas Gun, John Ellis, with at least 60 Persons more, were all taken on Sunday

16 Caroli.

Mr. Foxley's  
Case to be  
Transferred.

To consider  
what Persons  
in Custody  
are to be  
Bailed.

Message.

Message about  
Examinations  
concerning  
the Earl of  
*Strafford*.

Order of the  
Lords.  
The  
Examinations  
performed  
by the  
Lords deputed  
concerning the  
Scots Demands.

Mr. Richard  
*Herbert*.

Sir Robert  
*Pye*.

King's Army.

An extra-  
vagant Conven-  
ticle referred  
to the Exa-  
mination of  
the Lords.



An. 1640.

Sunday last in the Afternoon, in the time of Divine Service, by the Constable and Churchwardens of St. Saviours; where they said they met to Teach and Edify one another in Christ. They being brought before Sir John Lenthal, he demanded why they would not go and resort to their Parish Church, according to the Law of the 35th. of Eliz. ? They answered, That the Law of the 35th of Q. Eliz. was not a true Law, for that it was made by the Bishops, and that they would not obey it: That they would not go to their Parish Churches, for that those Churches were not true Churches; that there was no true Church but where the Faithful met. That the King could not make a perfect Law, for that he was not a perfect Man; That they ought not to obey him, but in Civil Things; That some of them threatned the Church-wardens and Constables, That they had not yet answer'd for this Work.

Subscribed.

John Lenthal,  
Thomas Temple, } Churchwardens.  
Thomas Butler,

Whereupon it was Ordered by their Lordships, That Sir John Lenthal do take care that the aforesaid Persons be forth-coming, and appear before the House on Monday Morning next, and likewise the Constable and Church-wardens, and whoever else can testify any Thing relating to this Business, are then likewise to attend.

And furthermore upon this Occasion, The Lords Spiritual and Temporal did then pass an Order:

Order of the  
Lords, That  
Divine Service  
be performed  
as by Law is  
appointed  
Jan. 16th.

That Divine Service be performed, as it is appointed by the Acts of Parliament of this Realm; and that all such as shall disturb this wholesome Order, shall be severely punish'd according to Law; and that the Parsons, Vicars and Curates in the several Parishes, shall forbear to introduce any Rites or Ceremonies that may give Offence, otherwise than those which are established by the Laws of the Land. And that this Order shall be publickly Read in all the Parish Churches of London, Westminster, Borough of Southwark, and Liberties.

Monday, Janu-  
ary 18th.

Preston Vicar  
of Rother-  
schorpe.

John Howes and Mark Howes are called in to testify to some particular Complaints in a Petition referred to this House, by the Inhabitants of Rothereschorpe, in the County of Northampton, against one Thomas Preston the Vicar of the said Town, who had spoken scandalous Words against the Parliament.

Ordered, That the said Thomas Preston be brought hither on Thursday Morning next to answer these Complaints.

Sir Ed. Coke  
his Manu-  
scripts.

The Committee formerly appointed to make Search and Enquiry after the Books of Sir Edward Cooke, are to go and wait upon Sir Edward Littleton Lord Chief Justice of the Common-Pleas, for some of those Manuscripts were delivered unto him by Serjeant Finch, as this House was this Day informed.

Bill for Sub-  
sidies.

Resolved upon the Question, That the Bill for the Relief of His Majesty's Army, in one Clause of it shall be amended, and that Sir Nevil Poole's Name shall be put out, and Henry Lord Gray of Ruthyn shall be put in his Place.

Time to pay  
Subsidies.

Whereas by an Order made the 23d of December, it was Ordered, That the Two first Subsidies shall be paid by the 10th of February next;

It is this Day Ordered, That that Order should be altered, and that the two first Subsidies shall be paid by the 10th of March next.

Resolved



Resolved upon the Question, That the Towns of *Dorchester* and *Lyme-Regis*, in the County of *Dorset*, shall be left out of the Subsidy-Bill, according to the Paper-Book.

The Amendments to the Bill of Subsidies were twice read.

A Bill for the Relief of his Majesty's Army, and the *Northern* Part of the Kingdom, put to the Question, and upon the Question passed.

The Conventiclers in *Southwark* before-mentioned, being this Day brought before the House of Lords, according to the Order of that House, and being severally called in, did all deny the most material Words charged against them; but Sir *John Lentball* and others justified the same upon Oath; whereupon their Lordships ordered, That the said Sectaries should receive for this Time an Admonition from this House, and be enjoined to repair for the future to the Parish Churches to hear Divine Service: To which Purpose the Order of the 16th. instant was read to them, and they were told, That if hereafter they did not Conform themselves thereunto, they should be severely punished.

Die Martis, Jan. 19. 1640.

Ordered, That the *Petition* of the Inhabitants in and about the City of *Glocester*, be referred to the Bishop of *Ely*'s Committee, with the like Power in respect of this *Petition*, as it has in respect of any other *Petition*: This *Petition* being of the same nature with the *Petitions* given in by the *Londoners* and *Kentish* Men against the Bishops.

A Bill against the *Transportation* of *Woolles*, *Wooll-fells*, *Fullers* *Clay* and *Earth*, read the first Time.

Upon Mr. *Peard*'s Report from the Committee appointed to consider of Bail of those that are in the Serjeant's Custody,

It was resolved upon the Question,

That Dr. *Cozens* should be bailed, upon his entring into 2000 *l.* Bond, and his Sureties in 1000 *l.* Bond apiece to the Serjeant, for his Appearance when the House shall appoint.

That Dr. *Utye* shall likewise be bailed, himself entring into 1000 *l.* Bond, his Sureties into 500 *l.* apiece.

That *Aldermen Abel* be not bailed.

That *Rowland Wilson*, and *William Conradus*, be bailed, upon their entring into Bond of 1000 *l.* and their Sureties into 500 *l.* apiece.

That *Thomas Horth* be bailed, himself entring into 5000 *l.* Bond, and his Sureties into 2000 *l.* apiece.

That *Richard Kilvert* be not bailed.

That Mr. *Fulham* be bailed, himself entring into 200 *l.* Bond, and his Sureties into Bond of 100 *l.* apiece.

That Mr. *Ayliff* be bailed, upon 1000 *l.* Bond for himself, and 500 *l.* apiece for his Sureties.

Ordered, That the Committee appointed to consider of these respective Bails, do meet to-morrow in the Afternoon in the Court of *Wards*.

Ordered, That the Chair-men that have any thing come before them that may conduce to the Charge against the Judges, do present it this Afternoon to the Committee appointed to draw up the Charge against the Judges.

Mr. *Prideaux* brings from the Committee, the Bill for preventing the Inconveniencies happening by the long Intermission of Parliaments, with several Amendments and Additions unto it; the which several Amendments and Additions were twice read: And then it was resolved upon the Question, That this Bill shall be recommitted to a Committee of the whole House.

16 Caroli.

Lyme-Regis.

A Bill for the Relief of the Army, &amp;c.

City of Gloucester's Petition.

Transporters of Fullers-Earth, &amp;c.

Dr. Cozens to be bailed.

Dr. Utye.

Abel denied Bail.  
Wilson and Conrade to be bailed.  
Tho. Horth to be bailed.  
Kilvert not to be bailed.  
Mr. Fulham bailed.  
Mr. Ayliff bailed.

Chair-men of Committees to communicate what they have against Judges. Bill against the long Intermission of Parliaments.



An. 1640.

Grand Com-  
mittee con-  
cerning long  
Intermission  
of Parlia-  
ments.  
Mr. Prideaux  
Report con-  
cerning the  
Intermission.

Bill to be In-  
grossed.

The Lord  
Digby's Speech  
about a Tri-  
ennial Parlia-  
ment, Jan. 19.

Resolved upon the Question, that the House shall be forthwith Re-  
solved into a Grand Committee to consider of this Bill.

Hereupon Mr. *Speaker* left the Chair, and Mr. *Prideaux* was called to  
the Chair.

Mr. *Speaker* reassumed the Chair.

Mr. *Prideaux* Reports from the Committee, some Amendments to  
the Bill aforesaid, and then it was put to the Question for the Engros-  
sing; and it was Resolved upon the Question,

That this Bill, Intituled, An Act for the preventing of Inconvenien-  
ces happening by the long Intermission of Parliaments, with these Alte-  
rations and Additions, shall be Engrossed against to-morrow Morning.

During the Debates about this Bill, the Lord *Digby* made the follow-  
ing Speech.

Mr. *Speaker*,

I Rise not now with an Intent to speak to the Frame and Structure of this Bill,  
nor much by Way of Answer to Objections that may be made; I hope there  
will be no Occasion of that, but that we shall concur all unanimously in what con-  
cerneth all so universally.

Only, Sir, by Way of Preparation, to the end that we may not be discouraged  
in this great Work, by Difficulties that may appear in the Way of it, I shall deliver  
unto you my Apprehensions in general of the vast Importance and Necessity that we  
should go through with it.

The Result of my Sense is in short this, That unless for the frequent convening  
of Parliaments, there be some such Course settled, as may not be eluded, neither the  
People can be prosperous and secure, nor the King himself solidly happy: I take  
this to be the *Unum Necessarium*: Let us procure this, and all our Desires will effect  
themselves; if this Bill miscarry, I shall have left me no publick Hopes; and once  
past, I shall be freed of all publick Fears.

The Essentialness, Sir, of frequent Parliaments to the Happiness of this King-  
dom, might be inferred unto you by the Reason of Contraries, from the woful Ex-  
perience which former Times have had of the mischievous Effects of any long Inter-  
mission of them.

But, Mr. *Speaker*, Why should we climb higher than the Level we are on; or  
think further than our own Horizon; or have recourse for Examples in this Business,  
to any other Promptuary, than our own Memories, nay, than the Experience al-  
most of the youngest here?

The Reflection backward on the Distractions of former Times upon Intermission  
of Parliaments, and the Consideration forward of the Mischiefs likely still to grow  
from the same Cause, if not removed, doubtless gave first Life and Being to those  
two dormant Statutes of *Edward III.* for the Yearly holding Parliaments; and shall  
not the fresh and bleeding Experience in the present Age of Miseries from the same  
Spring, not to be parallel'd in any other, obtain a Wakening, a Resurrection for  
them?

The Intestine Distempers, Sir, of former Ages upon the want of Parliaments,  
may appear to have had some other co-operative Causes; as sometimes, unsuccess-  
ful Wars abroad, sometimes the Absence of the Prince, sometimes Competitions of  
Titles to the Crown, sometimes, perhaps, the Vices of the King himself.

But let us rightly weigh and consider the Posture, the Aspect of the present State  
both towards it self and the rest of the World; the Person of our Sovereign, and  
the Nature of our Suffering since the Third of his Reign: And there can be no  
Cause colourable inventible, whereunto to attribute them, but the Intermission, or  
which is worse, the undue frustration of Parliaments, by the unlucky Use, if not  
abuse of Prerogative in the Dissolving of them.

Take into your view, Gentlemen, a State, in a State of the greatest quiet that can be  
fancied, not only enjoying the calmest Peace, but in Case to improve and secure its  
happy Condition; all the rest of the World at the same time in Tempest, in Com-  
bustions, in uncomposible Wars.

Take into your view, Sir, a King Sovereign to three Kingdoms, by the concen-  
tring of all the Royal Lines in his Person, as undisputable as any Mathematical  
ones in *Euclid*: A King firm and knowing in his Religion, eminent in Vertue: A

King



King that had in his own time given all the Rights and Liberties of his Subjects a more clear and ample Confirmation, freely, and graciously, than any of his Predecessors (when the People had them at Advantage) extortedly, I mean in the Petition of Right.

16 Caroli.

This is one Map of *England*, Mr. *Speaker*; A Man, Sir, that shall present unto you now a Kingdom groaning under that Supreme Law, which *Salus Populi Periclitata* would Enact: The Liberty, the Property of the Subject Fundamentally subverted, ravish'd away by the Violence of a pretended Necessity; a triple Crown shaking with Distempers; Men of the best Conscience ready to fly into the Wilderness for Religion; would not one swear that this were the Antipodes to the other? And let me tell you, Mr. *Speaker*, this is a Map of *England* too, and both at the same time true.

As it cannot be denied, Mr. *Speaker*, that since the Conquest, there hath not been in this Kingdom a fuller Concurrence of all Circumstances in the former Character to have made a Kingdom happy, than for these Twelve Years last past; so it is most certain, that there hath not been in all that Deduction of Ages, such a Conspiracy, if one may so say, of all the Elements of Mischief, than in the second Character, to bring a flourishing Kingdom, if it were possible, to swift Ruin and Desolation.

I will be bold to say, Mr. *Speaker*, and I thank God we have so good a King under whom we may speak boldly of the Abuse by ill Ministers, without reflection upon his Person:

That an Accumulation of all the publick Grievances since *Magna Charta*, one upon another, unto that Hour in which the Petition of Right past into an Act of Parliament, would not amount to so oppressive, I am sure not so destructive a Height and Magnitude to the Rights and Property of the Subject, as one Branch of our enslaving, since the Petition of Right.

The Branch I mean, is the Judgment concerning Ship-money; this being a true Representation of *England* in both Aspects:

Let him, Mr. *Speaker*, that for the unmatched Oppression and Enthraling of free Subjects, in the time of the best Kings Reign, and in Memory of the best Laws, enacted in favour of Subjects Liberty; can find a truer Cause than the Ruptures and Intermision of Parliaments: Let him, and him alone be against the settling of this inevitable way for the frequent holding of them.

'Tis true, Sir, Wicked Ministers have been the proximate Causes of our Miseries; but the want of Parliaments, the primary, the efficient Cause.

Ill Ministers have made ill Times; but that, Sir, hath made ill Ministers.

I have read among the Laws of the *Athenians*, a Form of Recourse in their Oaths and Vows of greatest and most publick Concernment, to a threefold Deity; *Supplicationum Exauditori, Gravaminum Purgatori, Malorum Depulsori*.

I doubt not, but we here Assembled for the Commonwealth in this Parliament, shall meet with all these Attributes in our Sovereign.

I make no Question, but he will graciously hear our Supplications, purge away our Grievances, and expel Malefactors, that is, remove ill Ministers, and put good in their Places.

No less can be expected from his Wisdom and Goodness.

But let me tell you, Mr. *Speaker*, if we partake not of one Attribute more in him, and if we address not our selves unto that, I mean *Bonorum Conservatori*, we can have no solid, no durable Comfort in all the rest.

Let His Majesty hear our Complaints never so compassionately:

Let him purge away our Grievances never so efficaciously:

Let him punish and dispel ill Ministers never so exemplarily:

Let him make choice of good ones never so exactly.

If there be not a way settled to preserve and keep them good, the Mischiefs and they will all grow again like *Sampson's* Locks, and pull down the House upon our Heads; believe it, Mr. *Speaker*, they will!

It hath been a Maxim among the wisest Legislators, That whosoever means to settle good Laws, must proceed in them with a sinister Opinion of all Mankind, and suppose that whosoever is not wicked it is for want only of the Opportunity; it is that Opportunity of being ill, Mr. *Speaker*, that we must take away, if ever we mean to be happy, which can never be done but by the frequency of Parliaments.

No State can wisely be confident of any publick Minister's continuing good, longer than the Rod is over him.



An. 1640.

Let me appeal to all those that were present in this House at the Agitation of the Petition of Right, and let them tell themselves truly of whose Promotion to the Management of Affairs, do they think the generality would at that time have had better Hopes, than of Mr. Noy, and Sir Thomas Wentworth; both having been at that Time, and in that Business, as I have heard, most keen and active Patriots, and the latter of them (to the eternal Aggravation of his infamous Treachery to the Commonwealth be it spoken) the first Mover, and Insister, to have this Clause added to the Petition of Right, That for the Comfort and Safety of his Subjects, His Majesty would be pleased to declare his Will and Pleasure, that all his Ministers should serve him according to the Laws and Statutes of the Realm.

And yet, Mr. Speaker, to whom now can all the Inundations upon our Liberties under pretence of Law, and the late Shipwreck at once of all our Property, be attributed, more than to Noy? And can those, and all other Mischiefs whereby this Monarchy hath been brought almost to the Brink of Destruction, be attributed so much to any, as to that Grand Apostate to the Commonwealth, the now Lieutenant of Ireland?

The first, I hope God hath forgiven in the other World; and the latter must not hope to be pardoned in this till he be dispatch'd to the other.

Let every Man but consider those Men as once they were.

The excellent Law for the Security of the Subject, enacted immediately before their coming to Employment, in the contriving whereof themselves were principal Actors.

The Goodness and Vertue of the King they served, and yet the high and publick Oppressions that in his Time they have wrought? And surely there is no Man but will conclude with me, That as the deficiency of Parliaments hath been the *Causa Causarum* of all the Mischiefs and Distempers of the present Times; so the Frequency of them is the sole Catholick Antidote that can preserve and secure the Future from the like danger.

Mr. Speaker, Let me draw my Discourse a little nearer to His Majesty Himself, and tell you, the frequency of Parliaments is most essentially necessary to the Power, the Security, the Glory of the King.

There are two Ways, Mr. Speaker, of powerful Rule, either by Fear or Love; but one of happy and safe Rule, that is by Love, that *Firmissimum imperium quo obedientes gaudent*.

To which *Camillus* advised the *Romans*, Let a Prince consider what it is that moves a People principally to Affection, and Dearness towards their Sovereign; he shall see that there wants no other Artifice in it, than to let them enjoy unmolested what belongs to them of Right: And if that have been invaded and violated in any kind, whereby Affections are alienated, the next Consideration for a wise Prince that would be happy, is how to regain them: To which Three Things are equally necessary.

1. Reinstating them in their former Liberty.
2. Revenging them of the Authors of those Violations.
3. And securing them from Apprehensions of the like again.

The first, (God be thanked) we are in a good way of.

The Second in warm pursuit of.

But the third, as essential as all the rest, till we be certain of Triennial Parliaments, at the least, I profess, I can have but cold Hopes of.

I beseech you then, Gentlemen, since that Security for the Future is so necessary to that blessed Union of Affections, and this Bill so necessary to that Security;

Let us not be so wanting to our selves, let us not be so wanting to our Sovereign, as to forbear to offer unto him this powerful, this everlasting *Philter*, to charm unto him the Hearts of his People, whose Vertue can never evaporate.

There is no Man, Mr. Speaker, so secure of another's Friendship, but will think frequent Intercourse and Access very requisite to the Support, to the Confirmation of it; Especially, if ill Offices have been done between them; if the raising of Jealousies hath been attempted: There is no Friend but would be impatient to be debarred from giving his Friend Succour and Relief in his Necessities.

Mr. Speaker, Permit me the Comparison of great Things with little; but what Friendship, what Union can there be, so comfortable, so happy, as between a gracious Sovereign and his People; and what greater misfortune can there be to both, than for them to be kept from intercourse, from the Means of clearing Misunderstandings, from interchange of mutual Benefits?



The People of *England*, Sir, cannot open their Ears, their Hearts, their Mouths, nor their Purfes to his Majesty, but in Parliament.

We can neither hear him, nor complain, nor acknowledge, nor give, but there.

This Bill, Sir, is the sole Key that can open the Way to a frequency of those reciprocal Endearments, which must make and perpetuate the Happiness of the King and Kingdom.

Let no Man object any Derogation from the King's Prerogative by it; we do but present the Bill, 'tis to be made a Law by him; his Honour, his Power, will be as conspicuous, in commanding at once, that a Parliament shall assemble every third Year, as in commanding a Parliament to be called this or that Year; there is more of his Majesty in ordaining Primary and Universal Causes, than in the actuating of subordinate Effects.

I doubt not, but that glorious King *Edward* the Third, when he made those Laws for the Yearly calling of Parliaments, did it with a right Sense of his Dignity and Honour; the Truth is, the Kings of *England* are never in their Glory, their Splendor, in their Majestick Sovereignty, but in Parliaments. Where is the Power of imposing Taxes? Where is the Power of restoring from Incapacities? Where is the Legislative Authority? Marry, in the King, Mr. *Speaker*. But how? In the King circled in and invertuated by his Parliament.

The King out of Parliament hath a limited Power, a circumscribed Jurisdiction; but waited on by his Parliament, no Monarch of the *East* is so absolute in dispelling Grievances.

Mr. *Speaker*, in chasing ill Ministers, we do but dissipate Clouds that may gather again; but in voting this Bill, we shall contribute, so much as in us lies, to the perpetuating our Sun, our Sovereign, in his Vertical, in his Noon-day Lustre.

*Ordered*, That the Petition of the Inhabitants of the Town of *Richmond* in the County of *York*, about the Billeting of Soldiers, and Oppressions done by them, be referred to the Committee last appointed for the King's Army.

Upon Mr. *White's* Report from the Grand Committee for Religion, it was resolved upon the Question,

That the Statute made about Twenty-seven Years since in the University of *Cambridge*, imposing upon young Scholars a Subscription according to the 36th Article of the Canons made in the Year 1603, is against the Law and Liberty of the Subject, and ought not to be pressed upon any Student or Graduates whatsoever.

The Bill for the preventing of Inconveniencies happening by the long Intermission of Parliaments, read the Third Time; and upon the Question *passed*.

The Lord *Digby* went up to the Lords, with the Bill for the Relief of the King's Army, and the Bill for preventing Inconveniencies happening by the long Intermission of Parliaments, accompanied with such Gentlemen as were pleased to go.

The Petition of the High Sheriff in the County of *Carnarvon*, was Read and Referred to Sir *Lewis Dives* Committee; to the which Committee, the Petitions exhibited concerning the Election of the Knight and Burgefs for the Town and County of *Carnarvon* are referred, and it is to be considered of at the same time when those Petitions are considered of, and the High Sheriff is to be Bailed in the mean time.

The Bill for the Queen's Jointure is appointed to be read on *Wednesday* next.

Mr. *Peard* to make Report to Morrow, concerning those Members of this House, that forbear to sit in regard of the Order against *Monopolies*.

Upon Sir *John Hotbam's* Report from the Committee last appointed to consider of the King's Army, it was resolved upon the Question, That

16 *Caroli.*Inhabitants of  
*Richmond*,  
*Yorkshire*.Report from  
the Committee  
for Religion.  
Subscription  
*Cambridge*  
Scholars.Bill passed a-  
gainst inter-  
mission of  
Parliaments.  
Lord *Digby*  
went to the  
Lords with  
that Bill and  
the Bill for  
Subsidies.  
*Carnarvonshire*  
Elections.

Q.'s Jointure.

Members who  
are *Monopo-*  
*list*s.Resolved the  
Army to be  
paid.



An. 1640.

Muste-Roll.

That the King's Army shall be paid from the Tenth of *November* to the Eighth of *December*, according to the Foot of the Muster-Roll made the 28th of *November*.

Resolved upon the Question, That a new Muster-Roll be made in the like manner, as it is now reported from the Committee; *viz.*

Order for a new Muster-Roll.

That the Commissary-General do appoint Sixteen Deputy Commis-saries, and that Sixteen Gentlemen of the County be nominated by the Knights and Burgeses of the County of *York*, to joyn with them, and in one Day to Muster the Army, and according to the Foot of that Muster-Roll, the Army to be paid from the 8th of *December* to the time of the Muster, and that this Muster be not made till the Money come down.

Discipline of the Army.

Resolved upon the Question, That for the *Discipline of the Army*, it is fit that a Commission of *Oyer and Terminer* be directed to the Officers of the Field, and some Gentlemen of the County, to be nominated by the Knights and Burgeses of the County of *York*.

Commission of Oyer and Terminer.

Mr. *Treasurer* is intreated to move His Majesty, that such a Com-mission may be sent.

Ordered, That the Commission of *Oyer and Terminer*, shall extend only to the King's Army in Pay.

City to be paid, after Mr. Harrison. Thursday, Jan. 21.

Ordered, That if the City bring in the Threescore Thousand Pounds, they shall be paid next after Sir *John Harrison* has received his Moneys.

Daniel Holstein. Committees.

A Bill for the Naturalizing of *Daniel Holstein*, Gentleman, who was afterwards called in and sworn.

Concerning the Naturali-zation of Strangers.

Ordered, That the Committee for Deputy-Lieutenants and Ship-Money do stand.

The Humble Petition of the Merchants Adventurers, concerning the Naturalizing of Merchant-Strangers, was read and referred to the Com-mittee for *Peter Herons & al'* Naturalization, and Sir *Arthur Ingram* is added to that Committee.

The Petition of the Parishioners of *St. Ethelburga, London*, referred to the Committee for the Archbishop of *Canterbury*.

Mr. *Peard's* Report from the Committee for *Monopolists*; upon which Report,

Mr. William Sandys a Mo-nopolist, dis-abled to sit.

It was resolved upon the Question, That Mr. *William Sandys* is within the Order made against *Monopolists*, in the *Monopoly* concerning an Im-po-sition upon Coals; and not fit, nor ought to sit as a Member in the House this Parliament; and that a Warrant issue forth under Mr. *Speaker's* Hand to the Clerk of the Crown for a new Writ for Electing of another to serve for the Town of *Evesham* in *Com. Wigorn*, in his stead.

Sir John Jacob disabled to sit.

Resolved upon the Question, That Sir *John Jacob* is a *Monopolist*, and Projector in the Business of *Tobacco*; and within the Order against *Mo-nopolists*, and ought not to sit as a Member in the House this Parliament: And that a Warrant issue forth under Mr. *Speaker's* Hand to the Clerk of the Crown, for a new Writ for Electing of another to serve in his stead this Parliament for the Town of *Rye* in *Sussex*.

Mr. Thomas Web disabled to sit.

Resolved upon the Question, That Mr. *Thomas Web* is interested in the Project and *Monopoly* concerning the Sealing of *Bone-Lace*, and with-in the Order of this House made against *Monopolists*, and ought not to sit as a Member in this House this Parliament.

And that a Warrant issue forth under Mr. *Speaker's* Hand, directed to the Clerk of the Crown for a new Writ for Electing of another to serve in his stead this Parliament.

Mr. Edmund Windham dis-abled.

Resolved upon the Question, That Mr. *Edmund Windham* is a *Mono-polist*, and Projector, concerning the sole using of Wine-Cask, and mark-  
ing



ing of Butter-Firkins, within the Order made against *Monopolists*, and ought not to sit as a Member in this House this Parliament; and that a Warrant issue forth under Mr. *Speaker's* Hand, directed to the Clerk of the Crown, for a new Writ for Electing of another Burgeſs to ſerve in his ſtead this Parliament for *Bridgwater*, in the County of *Somerſt.*

Ordered, That the Committee appointed to draw up the Charge againſt the *Earl of Strafford*, do take ſome Courſe, that all thoſe who have complained here againſt the ſaid Earl, and whoſe Buſineſſes are not yet fully perfected, may have Reparations for their particular Damages, and loſſes ſuſtained.

Ordered, That Mr. *Peard* do proceed in his Report concerning *Monopolists* to morrow Morning..

Resolved upon the Queſtion, That the Houſe ſhall be reſolved into a Committee to-morrow Morning at Nine of the Clock, to take into further Conſideration the Demands of the *Scots*.

In the Lords Houſe, the Caſe of Mr. *Anthony Danvers* Gent. was reported this Day by the Lords Committees, appointed by the Lords in Parliament to receive Petitions; the ſaid *Anthony Danvers* in his Petition ſetting forth, That he being of Kindred unto the Right Honourable the Lord *Viſcount Say and Seal*, and thereby of Kindred to *William of Wickham*, ſometimes Biſhop of *Wincheſter*, and Founder of the College near *Wincheſter*, and of *New College* in *Oxford*, having offered his Son to be received into the College near *Wincheſter*, according to the Privilege of a Founder's Kinſman, by the Space of Four Years at their Yearly Election, and being delayed, and at laſt denied: It was Reported by the ſaid Lords Committees, That they having ſent for the Two *Wardens* and the School-Maſter of *Wincheſter* College, who are conſtantly Electors into the ſaid College of *Winton*, upon Examination of the Caſe, and Submission of the Two *Wardens*, and the Conſent of all Parties, it was Reported by the Lord Biſhop of *Lincoln*, that a full Satisfaction ſhould be given by the ſaid *Wardens* unto Mr. *Anthony Danvers* for the Charges he had been put unto, and for the Damages he had received by the Refuſal of his Son, and not admitting him into the College near *Winton*, according to the Privilege of a Founder's Kinſman, and according to the Founder's Statutes; and that at the next Election he ſhould be admitted into the College, and have ſome convenient maintenance in the mean time: And for the Time to come, both the ſaid *Wardens* did promiſe, that the Founder's Kindred ſhould be admitted without Difficulty, according to the Statutes of both Colleges concerning the Admiſſion of Founders Kinſmen; and the Lord Biſhop of *Wincheſter* for his Part, as Viſitor of the Two Colleges, did likewise Promiſe, that he would take care the ſame ſhould be performed; and the Lords Committees did further deliver it as their Opinions, That a Memorial hereof ſhould be entered in the Journal Book of the Lords Houſe of Parliament, if their Lordſhips ſhould ſo think fit, to prevent the like Wrongs in time to come, that might be offered to the Founder's Kinſmen; which was Ordered accordingly: And upon a Motion of the Lord *Viſcount Say and Seal*, it was further Ordered by the Houſe, That the Clerk of the Lords Houſe ſhould deliver Four Copies thereof, one to the Lord *Viſcount Say and Seal* as chief Founder's Kinſman, another to the Lord Biſhop of *Wincheſter*, and one to each College, viz. the College near *Wincheſter*, and *New College* in *Oxford*.

Friday, Jan. 22.

Ordered, That Mr. *Colfer's* Petition exhibited to this Houſe againſt Mr. *Anguiſh*, late Mayor of the City of *Norwich*, be referred to the Committee for the Rigorous Levying of *Ship-Money*.

Ordered, That *George Preſton*, Vicar of *Rotherſthorp*, for very ſcandalous Speeches ſpoken by him againſt this Houſe, the which Words are contained in a Petition delivered unto this Houſe, and were all clearly proved againſt him by ſundry Witneſſes examined here at the Bar, be forthwith committed to the Priſon of the Gate-houſe, there to be kept a Priſoner during the Pleaſure of this Houſe; and that the Petition exhibited

16 *Caroli.*

Persons injured by the Earl of Strafford, to have reparation.

Scots demands.

The Caſe of Wincheſter, and New College in Oxford, Reported Jan. 21ſt.

Colfer's Petition.

Vicar Preſton for Words, made a Delinquent.



An. 1640.

Report of  
Mr. Smart's  
Case.

Resolution.

Mr. Smart.

Dr. Cozens.

Dr. Cozens.

Dr. Cozens.

Reparation  
for Mr. Smart.A Friendly As-  
sistance to be  
given to the  
Scots.Tho. Bonnell's  
Petition.A Bill to sell  
Lands.Mr. Jones a  
Minister.Dr. Chaffin  
sent for.Ministers Pe-  
tition and Re-  
monstrance.

against him, be referred to the Committee for scandalous Ministers, to consider of the Residue of the Petition.

Upon Mr. Rowse's Report from the Committee for Mr. Smart, It was Resolved upon the Question,

*That the several Proceedings of the High Commission Court of York and Canterbury, against Mr. Smart, and the several Fines imposed by them upon him, were illegal and unjust, and ought not to bind.*

*That the Degradation of Mr. Smart, and his Deprivation from his Prebends, and other Ecclesiastical Livings, were unjust and illegal; and that he ought to be restored to all of them, together with the mean Profit.*

*That Dr. Cozens, and others the Prosecutors of Mr. Smart, ought to make him Satisfaction for his Damages sustained.*

*That Dr. Cozens is guilty of bringing in of Superstitious Innovations into the Church, tending to Idolatry, and of speaking scandalous and malicious Words against his Majesty's Supremacy, and the Religion established.*

*That Dr. Cozens is in the Opinion of this House unfit and unworthy to be a Governor in either of the Universities, or to continue any longer Head or Governor of any College, or to hold and enjoy any Ecclesiastical Promotions.*

Referred to the Committee for Mr. Smart, to prepare such Things as may be fit to be transmitted to the Lords, concerning Dr. Cozens; and likewise to consider of some fit Way of Reparations to be made to Mr. Smart for his Damages sustained.

Mr. Speaker left the Chair, according to an Order yesterday made, and the House resolved into a Grand Committee about the Scots; and Mr. Maynard was called to the Chair. Mr. Speaker assumes the Chair. Mr. Maynard Reports from the Committee. And after a serious and long Debate thereupon, the House came to this Resolution,

That this House thinks fit, That a *Friendly Assistance* and Relief shall be given towards Supply of the Losses and Necessities of the Scots; and that in due time this House will take into consideration the Measure and Manner of it.

Saturday, Jan. 23.

The Petition of *Thomas Bonnell*, Clerk, Rector of *Movemankton* in the County of *York*, referred to the Committee for Privileges.

A Bill for enabling of *James Enyon* to alter the Estates of some Lands, and to make sale of other Lands for the Payment of Debts, and advancement of younger Children.

Ordered, That *Thomas Jones* of *Owfield* in the County of *Devon*, Clerk, be forthwith sent for as a *Delinquent* by the Serjeant at Arms attending on this House, to answer an Information against him here, and attested by a Member of this House, of *scandalous Words* by him used against the Parliament, in a Sermon preached by him at *Tiwerton* in the said County of *Devon*, the last Day of *July*, 1640.

Ordered, That *Dr. Chaffin* be forthwith sent for as a *Delinquent* by the Serjeant at Arms attending on this House, for *Words* by him delivered against the Parliament, in a Sermon preached by him in the Cathedral of *Salisbury*, the 26th of *May*, 1634. which Words were here in the House witnessed by *one Witness*, and attested by the Subscription of several others.

A Petition of several Ministers in behalf of themselves and many others their Brethren of the Church of *England*, praying a Redress of certain Irregularities in the Government of the Church, was read. To which was annexed a Remonstrance setting forth in particular those supposed Irregularities; and especially insisting upon Secular Employments



of the Clergy, the sole acting of Bishops in Ordination and Censures, and the great Revenues and little use of Deans and Chapters. Which Petition and Remonstrance, Six or Seven of the Subscribers being called in, did avow; and it was ordered, That the said Remonstrance shall be read on Monday Morning.

Mr. Selden,

Mr. Palmer,

Mr. Whitlock,

Mr. Maynard,

are added to the Committee that are to draw up the Articles against the Earl of Strafford.

Mr. Hampden,

Mr. St. John,

Sir John Culpeper,

Sir John Hotbam,

Sir Peter Hayman,

Sir Walter Earle,

Mr. Glyn,

Sir Tho. Barrington,

Sir Gilbert Gerard,

are appointed presently to retire into the Committee-Chamber, to prepare Heads for a Conference with the Lords, concerning the Reprieval of Thomas Goodman, Priest and Jesuit, and upon such other Matters as they in their Judgments shall think fit.

Mr. Recorder of London was sent for, who at the Bar made a Narrative of the whole Passage of the Indicting, Condemning, and Reprieval of Goodman the Priest.

Mr. Glyn reports the Heads of the Conference to be desired with the Lords, concerning the Reprieval of Goodman, &c.

Sir John Culpeper was sent up to the Lords to desire a Conference by a Committee of Both Houses presently, if it might stand with their Lordship's Occasions, in the Painted Chamber, concerning the Reprieving of John Goodman, a Priest, lately condemned of High Treason.

Mr. Glyn is to manage this Conference.

Sir John Culpeper brings Answer, That their Lordships have considered of the Message, and will presently give a Meeting as is desired.

Ordered, That it be referred to the Committee for Secretary Windebank, to prepare Heads for a Conference with the Lords concerning the Scottish Ministers that are thrust out of Scotland, and have Preferment either here or in Ireland; and to prevent that no more of them be preferred either here or in Ireland; and to enquire who have been the Promoters of them to their Preferment.

Ordered, That Commissions be sent into all Counties for the defacing, demolishing, and quite taking away of all Images, Altars, or Tables, turned Altar-wise, Crucifixes, superstitious Pictures, Monuments, and Reliques of Idolatry, out of all Churches or Chapels.

Ordered, That Richard Buller, and Arthur Revenough, who have a Petition before the Grand Committee for Irish Affairs, shall have liberty to come and go freely to prosecute their Petition, without Molestation, Arrest, or Restraint; and that there be a stay of committing any waste in the felling of any Wood, or any other Waste whatsoever, upon the Lands mentioned in the Petition during the Dependency of the Business here.

The like Order for liberty of Prosecution, and for stay to be made of any Waste to be committed upon the Lands mentioned in their Petition, was granted to Patrick Murfey, and John Jones.

It is likewise Ordered, That Sir Pierce Crosby, that has a Business likewise depending before the Grand Committee for Irish Affairs, have free liberty to go and come, to prosecute his Petition here without any mole-

16 Caroli.

Goodman the Priest.

Reprieval.

Message for a Conference.

Oured Scots Ministers to have no Preferment in England or Ireland.

Commissions to deface Images, Altars, &amp;c.

Irish Petitioners to have Liberty to prosecute.

Patrick Murfey.

Sir Pierce Crosby.



An. 1640.

Customers detain Goods.

St. Bartholomew's Clerk.

High Commission-Court.

To have Reparation.

All the Proceedings in the High Commission against this Parish Clerk, to be brought to the House.  
Mr. Saragold.

The King's Speech, Jan. 25. to both Houses.

station or Restraint during the time of the Dependency of his Business here.

Monday, Jan. 25.

Ordered, That the Ship and Goods of Mr. Samuel Warner, Merchant, detained by the Farmers Deputies at *Portsmouth*, be delivered unto him, upon his giving good Security to stand to such determination in the Cause, as this House shall appoint.

Mr. Peard reporteth from the Committee for Courts of Justice, the Case of the Parish-Clerk of St. Bartholomew's; and upon the Report it was Resolved upon the Question,

That all the Proceedings in the High Commission-Court against Samuel Withered, John Hooke, and Henry Garret, sentenced in the High Commission-Court for not paying the said Clerk's Wages, and the several Fines and Estreats thereof, and the Costs given against them, are Illegal and Unjust, and ought not to bind.

Resolved upon the Question, That Samuel Withered, John Hooke, and Henry Garret, ought to have satisfaction against the Four Commissioners, the Lord Archbishop of Canterbury, the Bishop of Ely, Sir John Lamb, and Dr. Duck, for their Costs, Damages, and Losses sustained in their Suit: And it is further Ordered, That if any other of the Commissioners shall hereafter appear to have given their Votes to the Sentence, they shall likewise be liable to make Reparations as aforesaid, to the Parties grieved.

Ordered, That a Warrant issue under Mr. Speaker's Hand, directed to all the Officers of the High Commission, whom it may any way concern, requiring them to bring hither all the Acts and Proceedings that concern the Cause of the Parish-Clerk of St. Bartholomew's.

Ordered, That all the Bonds that Samuel Withered, John Hooke, and Henry Garret, entred into for their Appearance at the High Commission-Court, be re-delivered unto them again: And that the Patent for the Incorporation of the Parish-Clerks, be brought unto the Committee to consider of it, and to Report it to the House.

Ordered, That Mr. Saragold, being now in Custody, shall have Liberty with a Keeper to prosecute his Petition depending before the Grand Committee for Courts of Justice.

His Majesty sent for both Houses to attend Him at the Banqueting-House at Whitehall, where He was graciously pleased to make the following Speech.

My Lords, and You the Knights, Citizens, and Burgeses;

THE principal Cause of my coming here at this time, is by reason of the slow Proceedings in Parliament; touching which is a great deal of Inconvenience. Therefore I think it very necessary to lay before you the State of my Affairs, as now they stand, thereby to hasten, not to interrupt your Proceedings. First, I must remember you, that there are two Armies in the Kingdom, in a manner maintained by you; the very naming of which doth more clearly shew the Inconvenience thereof, than a better Tongue than mine can express.

Therefore in the first Place, I shall recommend unto you the quick Dispatch of that Business. In the next Place, I must recommend unto you the State of my Navy and Forts; the Condition of both which is so well known unto you, that I need not tell you the Particulars; only thus much, They are the Walls and Defence of this Kingdom; which if out of order, all Men may easily judge, what Encouragement it will be to our Enemies, and what disheartning to our Friends.

Last of all (and not the least to be considered) I must lay before you the Distractions that are at this present, occasioned through the Connivance of Parliament; for there are some Men, that more maliciously than ignorantly, will put no Difference between Reformation and Alteration of Government.

Hence



Hence it cometh, That *Divine Service* is irreverently interrupted, and Petitions in an ill Way given in, neither disputed nor denied. But I will enter into no more Particulars, but shew you a Way of *Remedy*, by shewing you my clear Intentions, and some *Rocks* that may hinder this good Work.

I shall willingly and chearfully concur with you for the Reformation of all Innovations both in Church and Commonwealth; and consequently, that all Courts of Justice may be reformed according to Law; for my Intention is clearly to reduce all Things to the best and purest Time, as they were in the Time of Queen *Elizabeth*.

Moreover, Whatsoever Part of my Revenue shall be found Illegal, or heavy to my Subjects, I shall be willing to lay it down, trusting in their Affections. Having thus clearly and shortly set down my Intentions, I will shew you some *Rubs*, and must needs take notice of some very strange (I know not what Term to give them) Petitions given in, in the Names of divers Counties, against the present established Government; and of the great Threatnings against the Bishops, that they will make them to be but Cyphers, or at least their Voices to be taken away.

Now I must tell you, That I make a great Difference between Reformation and Alteration of Government; tho' I am for the first, I cannot give Way to the latter. If some of them have over-stretched their Power, and encroached too much upon the Temporality, if it be so, I shall not be unwilling these Things should be Redressed and Reformed, as all other Abuses, according to the Wisdom of former Times; so far I shall go with you.

Nay further, If upon serious Debate you shall shew me that Bishops have some Temporal Authority inconvenient to the State, and not so necessary for the Government of the Church, and upholding Episcopal Jurisdiction, I shall not be unwilling to desire them to lay it down. But this must not be understood, That I shall any Way consent that their Voices in Parliament should be taken away; for in all the Times of my Predecessors since the Conquest, and before, they have enjoyed it; and I am bound to maintain them in it, as one of the Fundamental Constitutions of this Kingdom.

There is another *Rock* you are on, not in Substance, but in *Form*; yet the Form is so essential, that unless it be Reformed, it will mar the Substance.

There is a Bill lately put in concerning Parliaments: The Thing I like well, to have frequent Parliaments; but to give Power to Sheriffs, and Constables, and I know not whom, to use my Authority, that I cannot yield unto.

But to shew you, That I am desirous to give you Content in *Forms* which destroy not the Substance, you shall have a Bill for this Purpose, so that it trench neither against my Honour, nor against the Ancient Prerogative of the Crown concerning Parliaments; to which Purpose I have commanded my Learned Council to wait upon you my Lords, with such Propositions as, I hope, will give you Content; for I ingenuously confess, That frequent Parliaments are the best Means to keep a right understanding between me and my People, which I so much desire.

To conclude: I have now shewn you the state of my Affairs, my own clear Intentions, and the Rocks I wish you to eschew; in all which you may perceive the desire I have to give you Content, as you shall find also by those Ministers I have or shall have, about me, for the effecting of these my good Intentions, which I doubt not will bring Peace and Happiness to my Subjects, and Contentment to you all. Concerning the Conference, you shall have a direct Answer, which shall give you Satisfaction.

Ordered, That Mr. *Bellasis* go with a *Message* to the Lords, to desire a Conference by a Committee of both Houses presently, if it may stand with their Lordships Occasions, in the Painted Chamber, concerning a Conference lately had with their Lordships, about the *Treaty* between the *Two Kingdoms*.

Message by  
Mr. *Bellasis*.

Mr. *Whitlock* to manage the Conference.

A Message from the Lords by Mr. Serjeant *Ayloff*, and the Attorney-General; 'The Lords desire a Conference by a Committee of Both Houses presently, in the *Painted Chamber*, if it may stand with the Convenience of this House, touching the Conference had on *Saturday*, concerning the *Reprieval* of *John Goodman* the Priest.

A Message  
from the  
Lords.  
*Goodman* the  
Priest.



An. 1640.

Answer returned by the same Messengers, ' That this House has taken into their Consideration their Lordships Message, and will give a Meeting presently, as is desired, by a Committee of the whole House.

Mr. Treasurer, Mr. Glyn,  
Mr. Palmer, Mr. Edward Hide,  
Mr. Nath. Feines, Sir John Culpeper,

are appointed Reporters of the Conference.

Mr. Hide reports from the Conference with the Lords, a Message from the King, *in hæc verba*:

' That the Occasion of his Majesty's knowledge of the Conviction of *John Goodman*, the Priest, lately Reprieved, was upon the constant Order that hath been taken for divers Years, That the Recorder hath at the End of every Sessions attended his Majesty with the Names of the Persons convicted, with an Expression of their Offences, to the End that his Majesty might be truly informed of the Nature of their Crimes, and consequently, not be induced by Information to Reprieve such as were not fit for Grace and Mercy: And thereupon, That *Goodman* was lately condemned for being in Orders of a Priest merely, and was acquitted of the Charge of perverting the King's People in their Belief, and had never been condemned or banished before. His Majesty is tender in matter of Blood, in Cases of this Nature; in which Queen *Elizabeth* and King *James* have been often merciful: But to secure his People that this Man shall do no more hurt, he is willing that he be imprisoned or banished, as their Lordships shall advise; and if he return into the Kingdom, to be put to Execution without delay; and he will take such fit Course for the Expulsion of other Priests and Jesuits, as he shall be counselled unto by your Lordships; and he doth not intend by this particular Mercy to lessen the Force of the Law.

Ordered, That the House to-morrow Morning take into Consideration the Subject of the Free Conference to be desired with the Lords concerning the Report made by Mr. Hide, touching the Expulsion of the Priests and Jesuits, and touching the Reprieval of *John Goodman* the Priest.

Ordered, That the Committee for Mr. Secretary *Windebank* meet on *Thursday* next in the Afternoon, to prepare the Articles against the said Mr. Secretary.

Mr. *Bellasis* brings Answer from the Lords, that their Lordships will give a present meeting by a Committee of the whole House as is desired.

Ordered, That the Petition from the *Ministers*, and the *Remonstrance* delivered with it, be first read on *Monday Morning* next, and afterwards the Petitions from the Counties concerning *Episcopacy*.

Ordered, That it shall be debated on *Friday Morning* next, what Penalty the *Bishops*, and the rest of the Clergy, have incurred in making the last new *Canons*.

Tuesday Jan. 26.

Upon a Motion this Day made concerning an Order made in this House *December 15*. Dispensing thereby with Mr. *Bullock* for attending at that time the Lord Keeper, he being at the same Time, and upon the same Business, ordered to attend the grand Committee for Trade; and it being further Ordered, That the said Mr. *Bullock* should not be prejudiced by

Secretary  
*Windebank*.

Episcopacy.

Canons.

Explanation  
of Mr. *Bullock's*  
Order.



by any Orders made by the Lord Keeper, for his not attending there : 16 *Caroli.*  
It was declared, That the Intention of the House was, That the said Order of 15. *December* should extend only to that Day ; but they intended not hereby to make stay of any Suit depending between him and any other concerning that Business.

Committee appointed to take into Consideration the Heads of the Debates this Day happening, concerning the Reprieval of *John Goodman the Priest*, and concerning the putting in due Execution the Laws made against Priests and Jesuits, and to present those Things that shall be necessary for a free Conference with the Lords, concerning these Matters, to-morrow morning, and are to meet this Afternoon at two of the Clock in the *Dutchy Chamber*.

Ordered, That the Examination now remaining with the Committee for Recufants, concerning *O Conner the Priest*, be delivered over to the Committee, appointed to draw up the Charge against the *Earl of Strafford*, to make use of in that Charge, and then to be returned to the Committee again ; and that *Mr. Glyn* and *Mr. Peard*, sometime about the beginning of the next Week, do desire the Judges from this House to proceed to the Tryal of the said *O Conner*.

Ordered, That *Mrs. Anne Hufsey* be Summoned to be here to-morrow Morning, being a Witness against the said *O Conner*.

Ordered, That a Warrant issue under *Mr. Speaker's* Hand, directed to the *Justices* of the Peace for the County of *Rutland*, thereby giving them Directions to examine the Business concerning the apprehending of suspected Popish Priests at *Mr. Haslewood's* House of *Belton*, in the County aforesaid, and require them to seize into their hand the Popish Books, and other Popish Implements found in the said House, and to take good Security of *Mr. Haslewood* for his Appearance here, when he shall be required ; and they are to certify to this House the Particulars of the whole Matter, that this House may take such further Order therein, as they shall think fit.

A Bill for the Limitation and Abbreviation of *Michaelmas Term*, Read the second time, and upon the Question Committed.

A Bill, declaring the Common Law of the Land, concerning Salt Marshes, Read the Second Time, and upon the Question committed.

Ordered, That *Sir John Wintor*, *Mr. Walter Montague*, *Sir Kenelme Digby*, *Sir Basil Brook*, and *Mr. Henry Becket*, be forthwith required to attend the House.

Resolved upon the Question, That the Heads reported by *Mr. Glyn*, together with the Fact committed by *John James* upon *Mr. Heywood*, shall be the Heads of the Conference with the Lords concerning the Reprieval of *Goodman, &c.*

*Mr. Glyn,*

*Mr. Edward Hide,*

*Mr. Reynolds,*

*Sir John Hotbam,*

*Mr. Crew,*

*Sir John Culpeper,*

*Mr. Grimston,*

*Mr. Strode,*

are to manage this Conference.

Ordered, That *Sir Gilbert Gerard* go up with a Message to the Lords House, to desire a free Conference concerning the Reprieval of *John Goodman the Priest*, and the banishing of Priests and Jesuits.

A Message from the Lords by *Justice Foster*, and *Mr. Attorney*.

The Lords desire a present Conference, if it may stand with the Occasions of this House, by a Committee of both Houses in the Painted Chamber, concerning the Treaty between the two Kingdoms.

Ordered, That *Thomas Conningsby* be forthwith sent for as a Delinquent

*Goodman the Priest.*

*O Conner the Irish Priest.*

*Anne Hufsey Summoned. A Priest at Mr. Haslewood's.*

*Wednesday Jan. 27th. Michaelmas Term. Salt Marshes.*

*Mr. Heywood.*

*Goodman the Priest.*

*A Message concerning the Treaty.*

*Conningsby.*



An. 1640.

by a Serjeant at Arms attending on this House, to answer the Complaints exhibited against him in a Petition to this House; the which Complaints, or the greatest Part of them, were avowed and attested by a Member of this House.

It was this Day reported in the House from a Committee, That there were above 50 Families of *Normich* that went away to *New England*, by reason of Bishop *Wren's* pressing their Consciences with the illegal Oaths, Ceremonies and Innovations.

There was a Complaint also against one Mr. *Taylor* for saying, If one Sermon a Day would not serve, let them go to the Devil for another; and that Puritans are all Knaves, and Papists honest Men.

Sir *Gilbert Gerard* brings Answer from the Lords, That their Lordships will give a present meeting by a Committee of their whole House, as is desired.

Conference  
about Recu-  
sants, and  
*Goodman* the  
Priest.

Mr. *Glyn* gives an Account of the free Conference about *Goodman*, That their Lordships had considered of the Motives and Desires of the Commons, and do agree with them in every Particular, both for the Execution of this particular Priest, and the putting the Laws in due Execution against all other Priests and Jesuits; and if this House think fit, they will represent it to his Majesty by their Speaker, as the Desire of both Houses.

To be repre-  
sented to His  
Majesty.

Resolved upon the Question, That the Desires of this House concerning *John Goodman* the Priest, and concerning the due Execution of Laws against Priests, shall be represented to his Majesty, in that manner as is propounded by the Lords.

A Writ for a  
new Election  
in *Essex*.

Ordered, That a Warrant issue forth under Mr. Speaker's Hand, directed to the Clerk of the Crown in *Chancery*, for a New Writ for Electing of a Knight to serve in the Parliament for the County of *Essex*, in the room and stead of the Lord *Rich*, called by Writ to the Lords House.

Jan. the 28th.

A Committee appointed to prepare Questions for Sir *Kenelme Digby*, Mr. *Montague*, and others, concerning Motives and Instructions given to the Popish Recusants for raising Money for the *Northern Expedition*.

Friday 29th.

Ordered, That the Consideration of the Commission granted to the Earl of *Worcester*, and his Eldest Son the Lord *Herbert*, and some Commissions by them granted unto others, for the levying of Forces in the several Counties of *England* and *Wales*, and all the Circumstances depending thereupon, be referred to the Committee to draw up the Charge against the Earl of *Strafford*, and to consider of the Magazine in Sir *Piercy Herbert's* Custody.

Mr. *Treasurer* acquaints the House, That it is His Majesty's Pleasure, that this House attend him at the Banqueting House in *White-Hall*, at two of the Clock in the Afternoon, where the Lords will be present.

There the Lord Keeper delivered to His Majesty the following Remonstrance from both Houses of Parliament.

May it please Your Majesty.

The Remon-  
strance of the  
Two Houses  
delivered by  
the Lord Kee-  
per about  
*Goodman*, &c.  
Jan. 29.  
1640.

Y Our Loyal Subjects the Lords and Commons now Assembled by your Majesty's Writ in the High Court of Parliament, humbly represent unto your Gracious Consideration, That *Jesuits* and *Priests*, Ordained by Authority from the See of *Rome*, remaining in this Realm by a Statute made in the 21st Year of Queen *Elizabeth*, are declared Traytors, and to suffer as Traytors.

That this Law is not so rigorous as some apprehend, or would have others to believe; for that it is restrained to natural-born Subjects only, and doth not extend to any Strangers at all.

That it is Enacted in the First Year of King *James*, That all Statutes made in the

time



time of Queen *Elizabeth* against Priests and Jesuits, be put in Execution; and for a further assurance of the due Execution of these Laws, the Statute of the Third Year of King *James* invites Men to the Discovery of the Offenders, by rewarding them with a considerable Part of the Forfeiture of the Recusants Estates.

So that the Statute of Queen *Elizabeth* is not only approved, but by the Judgments of several Parliaments in the time of King *James* of happy Memory, adjudged fit and necessary to be put in Execution.

That considering the Estate and Condition of this present Time, they conceive this Law to be more necessary to be put in strict Execution, than at any Time before; and that for divers weighty and considerable Reasons, viz. for that by divers Petitions from the several Parts of this Kingdom, Complaints are made of the great increase of Popery and Superstition, and the People call earnestly to have the Laws against Recusants put in Execution; seeing Priests and Jesuits swarm in great abundance in this Kingdom, and appear here with such Boldness and Confidence, as if there were no Laws against them.

That it appears unto the House of Commons by Proof, That of late Years about the City of *London*, Priests and Jesuits have been discharged out of Prison; many of them being condemned of High Treason.

They are credibly informed, That at this present the Pope hath a *Nuncio* or Agent resident in the City, and they have just cause to believe the same to be true.

The Papists as publickly, and with as much Confidence and Impunity, resort to Mass at *Denmark-House*, and *St. James's*, and the Ambassadors Chapels, as others do to their Parish Churches. They conceive the not putting of these Statutes in execution against Priests and Jesuits, is a principal Cause of the Increase of Popery.

That the putting of these Laws in Execution, tendeth not only to the Preservation and Advancement of the true Religion established in this Kingdom; but also the Safety of your Majesty's Person, and Security of the State and Government; which were the principal Causes of the making of the Laws against Priests and Jesuits, as is manifestly declared in the Preamble of the Laws themselves, which are the best Interpreters of the Minds of the Makers of them.

And because the Words being Penned by the Advice and Wisdom of the whole State, are much more full and clear than any particular Man's Expression can be; they were therefore read as they are vouched, those of the 27th Year of Q. *Elizabeth* being thus: viz.

‘ That the Priests and Jesuits come hither, not only to draw the Subjects from their true Obedience to the Queen, but also to stir up Sedition, Rebellion, and open Hostility within the Realm, to the great endangering of the Safety of her Royal Person, and to the utter Ruin, Desolation, and Overthrow of the whole Kingdom, if not timely prevented. And the Tenor of the Words of the Stat. of the Third Year of King *James*, are in this manner: viz.

‘ Whereas divers Jesuits and Priests do withdraw many of his Majesty's Subjects, from the true Service of Almighty God, and the Religion established within this Realm, to the *Romish* Religion, and from their Loyal Obedience to his Majesty; and have of late secretly perswaded divers Recusants and Papists, and encouraged and emboldened them to commit most Damnable Treasons, tending to the Overthrow of the whole State and Commonwealth, if God of his Goodness and Mercy had not within few Hours of the intended Time of the Execution thereof, revealed and disclosed the same.

The Houses do further inform, That some Jesuits and Priests had been executed in the time of Queen *Elizabeth*, and King *James* of happy Memory; and when any of them have received Mercy, it was in such time, and upon such Circumstances, as that the same might be extended unto them without Danger. Whereas now of late, there hath been a great apprehension of Endeavours by some ill Agents to subvert Religion; and at this present both Kingdoms have a general Expectation of a thorough Reformation. And there is already found so ill Consequence of the late Reprieve of *John Goodman* the Priest, that the House of Commons having sent to the Citizens of *London* for their Assistance in the Advancement of Money, for the present and necessary Supply of his Majesty's Army, and the Relief of the *Northern* Counties; upon this Occasion they have absolutely deny'd to furnish the same: And how far the like Discontents may be diffused into other Parts of the Kingdom, to the Interruption of the Levying the Subsidies, the Houses leave to your Majesty's Consideration. It is found that *Goodman* the Priest hath been twice formerly Committed and Discharged; that his Residence now about *London* was in absolute Contempt



An. 1640.

Saturday,  
Jan. 30.The Queen's  
Letter to pro-  
mote Contri-  
butions by the  
Papists.

tempt of your Majesty's Proclamation, as the Houses are credibly informed; that he hath been sometimes a Minister in the *Church of England*, and consequently is an Apostate; and both Houses are very sensible, that no Person should presume to intercede with your Majesty in a Case of so high a Nature. They humbly desire, that a speedy Course may be taken for the due Execution of the Laws against the *Priests* and *Jesuits*; that all Mischiefs before-mention'd may be timely remedied by your Majesty's great Wisdom.

And Lastly, That *Goodman* the Priest be left to the Justice of the Law.

Ordered, That *Sir John Winter*, and *Sir Basil Brooks* be sent for, and their Books and Acquittances, concerning Moneys collected amongst the Recusants: And the House had under consideration the Papers following, concerning raising Contribution amongst the *Roman Catholicks*, for carrying on the late War against the *Scots*.

*Henrietta Maria, R.*

WE have so good a Belief of the Loyalty and Affection of his Majesty's Catholick Subjects, as we doubt not upon this Occasion that hath called his Majesty into the *Northern Parts*, for the Defence of his Honour and Dominions, they will express themselves so affected, as we have always represented them to his Majesty: So in this common Consent which hath appeared in the Nobility, Judges, Gentry, and others, to forward his Majesty's Service by their Persons and Estates; We have made no Difficulty to Answer for the same Correspondency in his Catholick Subjects, as Catholicks; notwithstanding they have already concurred to this his Majesty's Service, according to the Quality whereof they are, when others of the same Quality whereof they are, were called upon. For we believe that it becomes us, who have been so often interested in the Solicitation of their Benefits, to shew our selves now in the Persuasion of their Gratuities. Therefore having already by his Majesty, by other Means recommended to them this earnest desire of Ours, to Assist and Serve his Majesty by some considerable Sum of Money freely and chearfully presented: We have thought fit (to the end that this our Desire may be the more Publick and more Authorized) hereby to give you Commission and Direction to distribute Copies under our Hand of this Testification thereof, unto those that have met in *London* by our Direction about this Business; and unto the several Collectors of every County. And as we presume, the Sum they will raise will not be unworthy our presenting to the King; so shall we be very sensible of it as a particular Respect to our selves, and will endeavour in the most efficacious manner we can, to improve the Merit of it, and to remove any Apprehension of Prejudice, that any (who shall employ themselves towards the Success of this Business) may conceive. By this they may be assured, That we will secure them from all such objected Inconveniences. And we are very confident, That this our first Recommendation will be so complied withal, as may not only afford us particular Satisfaction, but also Facilitation towards their own Advantages.

Given under Our Signet at Whitehall this 17th of April, 1639.

In pursuance of Her Majesty's Letter, *Mr. Walter Montague*, and *Sir Kenelme Digby*, wrote to some of the Principal of that Party, as followeth.

*Mr. Montague*,  
and *Sir Kenelme Digby*'s  
Letter on the  
same Occasi-  
on.

IT is sufficiently already known to every one, what extraordinary Graces and Protections we owe the Queen's Majesty; to whose favourable Intercession we must ascribe the happy Moderation we live under: So as we doubt not, but an Occasion of the Expression of our Gratuities will very joyfully be embraced by every Body in this present Estate of his Majesty's Affairs. We have already by our former Letters endeavoured to prepare you to a chearful Assistance of His Majesty in his declared Journey to the *Northern Parts*, for the securing of this Kingdom, and such other Purposes as His Royal Wisdom shall resolve of, that so you may really demonstrate your selves as good Subjects, as God and Nature requires of you: Now Her Majesty hath been graciously pleased to recommend unto us [the Expressions of our Duties and Zeal to His Majesty's Service, by some considerable Gifts from the Catholicks, and to remove all Scruples (that even well affected Persons may meet with), she undertakes to secure us, and all that shall employ themselves in this Business,



from any Inconvenience that may be suspected by their or our Forwardness and Declaration in this Kind. It will easily appear to every body, how much it imports us, in our Sense of his Majesty's Desires, to press every body to strain himself even to his best Abilities in this Proposition, since by it we shall certainly preserve his Gracefulness to us, and give good Characters of our Devotion to the King and State, of whose Benignity we have all Reason to give Testimonies, and to endeavour to produce Arguments for the Prosecution and Increase of it.

Now for the best Expedition of this Business (which is the chief Circumstance that importeth in it) we have thought fit to recommend it to your Nominations of such Persons as shall in your Opinions be agreed for the ablest and best disposed in every several County, not only to solicit, but collect such voluntary Contributions, as every body's Conscience and Duty shall proffer. And we shall desire you to give us an Account of what Acceptation this finds; which we cannot but expect very successful, and answerable to the Forwardness we meet with here about *London*; for which we shall offer up our Prayers to God.

W. Mountague,  
Ke. Digby.

Another Letter was sent from those Assembled at *London*, to some of the *Romish* Clergy, with Instructions inclosed, to be delivered by them to such Persons as they concerned, in order to the same Business.

A Letter from the Assembly of Papists in *London*, to the  
*Popish* Clergy and others in every Shire.

THE inclosed Advices and Motives being so ample, as you will perceive by perusing them, it will not be needful that we enlarge our selves upon any Particulars concerning the Conduct of the Business which they direct the way in: This therefore serveth only to convey them to you, (as we are intreated by those that have met here, and have undertaken to do) and desire you to repair immediately unto those Persons unto whom they be directed; and to deliver the same unto them in the Name of all the Noblemen and Gentry (together with our selves) Assembled here at *London* by the Queen's Commandment, to set forward this Work. And we pray you assure them in the most efficacious manner you can, (engaging all our Credits for the Trust thereof) That it is the Sense of us all, both Ecclesiastical and Lay-Persons, That besides the discharging of their and our Duties to God and the King, it mainly importeth the Good of the Catholics to have their Business take good Success. Therefore intreat them to deal actively, and efficaciously, and speedily, according to these Advices and Motives. We are so well persuaded of their Devotion to put forward so pious a Work, that we doubt not but they will be as well satisfied in the Needfulness of the thing, and be as ready to employ themselves in it; receiving the Assurance thereof, and Persuasions thereunto, only from our Hands, as if they came by all the formal ways that can be imagined, which in a Business of this Nature cannot be expected. And altho' the Advices and Motives be directed only to the Lay-Gentlemen, yet we desire you (and have answered for you) that you will employ your selves, and all those that depend upon you, sincerely to solicit and dispose all their Minds that you have relation unto, as powerfully as you can, to contribute chearfully and bountifully upon this Occasion, which as it is the first that ever we laboured in of this Kind, so we hope in God it will be the last, there being no Probability of so pressing and urgent Necessity to occur any more.

London, April 1639.



An. 1640.

## The Names of the Collectors for gathering the Recufants Money.

|                       |                                                                                                                                  |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Bedfordshire,         | <b>M</b> R. Church, Sir Robert Charnock, Mr. Robert Hewet.                                                                       |
| Berkshire,            | Mr. Anthony Inglefield, Mr. Terrel.                                                                                              |
| Buckinghamshire,      | Mr. Robert Dormer, Sir Edward Manfield, Mr. Throgmorton, Mr. Bringhurst.                                                         |
| Cambridgeshire,       | Mr. Henry Huddleston, Mr. Charles Paryes, Mr. Barker.                                                                            |
| Cheshire,             | Mr. Bidulph of Bidulph, Sir William Maffey, Mr. William Stanley, Mr. James Pool.                                                 |
| Cornwall,             | Mr. Victor, Mr. Burlacy, Mr. Trevilion.                                                                                          |
| Cumberland,           | Sir Francis Howard, Mr. Joseph Porter.                                                                                           |
| Derbyshire,           | Sir Francis Willoughby, Mr. Aery of Haslop, Mr. Pool of Spinckil.                                                                |
| Devonshire,           | Sir Edward Carey, Mr. Berry, Mr. Anthony Gifford, Dr. Chichester.                                                                |
| Dorsetshire,          | Mr. George Penny the Elder, Mr. George Arundel, Mr. Web of Lanford, Mr. Wells of Purbeck.                                        |
| Durham,               | Sir Ralph Conners, Mr. George Collingwood, Mr. Edward Smith.                                                                     |
| Essex,                | Mr. William Peters, Mr. Thomas Wright, Mr. Richard Whitt.                                                                        |
| Gloucestershir,       | Sir John Winter, Mr. Wakeman, Mr. Benedict Hall, Mr. Atkinson.                                                                   |
| Hertfordshire,        | Mr. Price of Washingley, Sir Thomas Shirley, Mr. Thomas Cotton.                                                                  |
| Huntingtonshire,      | Mr. William Bodenhum, Sir John Widmore, Mr. William Moor of Barrop, Mr. John Harp.                                               |
| Herefordshire,        | Mr. John Arundel, Mr. George Penny the Younger, Mr. William Owen.                                                                |
| Hampshire,            | Mr. Benjamin Wiborn, Mr. Clement Finch, Mr. Pettit.                                                                              |
| Kent,                 | Mr. Bradshaw, Sir Cecil Crayford, Sir William Gerard, Mr. Molineux of the Wood, Mr. Townley of Townley, Mr. Anderton of Lostock. |
| Lancashire,           | Sir Francis Englefield, Mr. Golding.                                                                                             |
| Leicestershire,       | Mr. Anthony Mounson, Sir John Thymbleby, Mr. Robert Constable.                                                                   |
| Lincolnshire,         | Mr. Cape, Mr. Thomas Rox, Mr. Becket, Mr. Richard Betham, Mr. Edward Harp, Mr. Morgan, Mr. John Chapperley, Dr. Kirton.          |
| London and Middlesex, | Mr. Everard, Mr. Charles Walgrane, Sir Henry Beddingfield, Mr. William Paston.                                                   |
| Norfolk,              | Sir William Saunders, Mr. John Poulton.                                                                                          |
| Northamptonshire,     | Mr. Thomas Smith the Elder, Mr. Thomas Smith the Younger.                                                                        |
| Nottinghamshire,      | Sir William Fenwick, Mr. Haggerston, Mr. Withrington, Sir Edward Ratcliff.                                                       |
| Northumberland,       | Sir Richard Farmer of Kiddington, Mr. William Stone, Mr. Ralph Sheldon.                                                          |
| Oxfordshire,          | Mr. Nicholas Cripps, Mr. William Andrews, Mr. Alcock, Mr. James Digby.                                                           |
| Rutlandshire,         | Sir Basil Brook, Mr. Glowden, Mr. John Harrington.                                                                               |
| Shropshire,           | Mr. Raino, Mr. John Ewnis, the Elder.                                                                                            |
| Somersetshire,        | Mr. Brook of Lapley, Mr. Stamford of Perry-Hall, Mr. Philip Draycot.                                                             |
| Staffordshire,        | Mr. Edward Cotton, Sir Richard Weston.                                                                                           |

Suffex,



Suffex,  
Suffolk,

Warwickshire,

Wiltshire,

Worcestershire,

Westmorland,

Yorkshire,

Isle of Wight,

Anglesey,

Breconock,

Carnarvon,

Caermarthen,

Cardigan,

Glamorgan,

Denbigh,

Flintshire,

Monmouth,

Montgomery,

Merioneth,

Pembrokeshire,

Radnorshire,

Sir John Shelley, Sir John Carrol.

Sir Francis Monnock, Sir Roger Martin, Sir Edward Silyard, Mr. Thomas Beddingfield of Beddingfield.

Mr. Anthony Dormer, Mr. Thomas Morgan, Mr. William Sheldon, Mr. Richard Middlemore.

Mr. William Arundel, the Lord Baltimore, Mr. Edward Stilling.

Mr. William Abington, Mr. William Sheldon.

Mr. Anthony Ducket, Mr. John Leyborn, Mr. Fleming.

East Riding, The Lord Dunbar, Mr. Brigham, Mr. Longdail.

West Riding, Baronet Vavafor, Baronet Gascoigne, Mr. Thomas Waterton, Mr. Philip Hungate.

North Riding, Mr. Craythorn the younger, the Lord Fairfax, Mr. Anthony Mennel, Mr. Laurence Sate.

Mr. Winter, Mr. Brevan, Mr. Maddock.

Mr. Lewis.

Mr. Towley.

Mr. Lewis.

Mr. Turbeville the Younger.

Mr. Richard Floyd, Mr. Crew.

Sir John Connaway, Mr. Pennat.

Sir Charles Summerfet, Mr. Morgan of Lantarnan, Mr. Morgan of Itton.

Sir Piercy Herbert.

Mr. Towley of Arnostill

Mr. Thomas Crowther.

16 Caroli.

Sir Kenelm Digby was called into the House, and being demanded several Questions concerning the Instructions dispersed to the Papists throughout England to lend Money to maintain the War against the Scots, and what Money was levied hereon, and who were the Collectors, and how the Pope's Nuncio came to be the chief Man employed therein?

The Answer which he returned was to this purpose: That he did consider before whom he did appear, and in whose Presence he spake; the Gravest and Wisest Assembly in the whole World, whose Majesty is so great, that it might well disorder his Thoughts, and impede his Expressions; that he was suddenly surprized with unexpected Questions; and apprehended there might be some dislike in that Honourable House, of that which he did once conceive was an Act of Service and Merit: But since he is ask'd of things apart, he shall humbly represent what he can remember upon this Occasion, and what may be satisfactory to the House. So he related the Beginning of the Business, and took along the Series as it went from Step to Step.

About Two Years since (said he,) my self, with some others, had a Meeting concerning this Business, upon my Lord Traquair's coming out of Scotland, and representing to the King some Proceedings there much to the Disadvantage of his Majesty's Affairs; insomuch that his Majesty, with Advice of his Council, declared a War against the Scots: And his Majesty did generally intimate, that his Necessities did require to be supplied in the going on with the War. This Intimation of his Majesty was communicated to the several Judges of the Kingdom, to the Societies of the Inns-of-Court, to the Judges and others of the Civil Law, and to the City of London likewise; and more especially to the Clergy of London. Having these Examples before our Eyes, we considering our selves as dutiful Subjects, though Recusants, might as Subjects in this Case follow the good Examples of Loyalty to our Prince, which the Learned, and others of the Land had done before us. The Queen hereupon was pleased to recommend to those who were Ca-



An. 1640.

tholicks of this Kingdom, to shew themselves as forward as others were in serving of the King, and to each Catholick to speak to his Acquaintance to do the like. I was one of those her Majesty spake unto; whereupon I confess, I did both in Example and Speeches with others, encourage them to make what Contribution they could. But how to convey this Money that should be thus contributed, to the Army, I found it very difficult; considering it was to be gathered in several Places of the Nation, and I had but little Correspondency among the Catholicks of this Kingdom. There was a Gentleman that did take upon him to supply that Care of mine; and that was *Signieur Con*, who was Resident here from the Pope, I conceive to attend the Queen, whose Acquaintance with the particular Persons of the Recusants was beyond any others; and Meetings were generally kept at his House, in order to the Advancement of this Business: He also took upon him to name the Persons in every County who should be the Collectors of the Money; and therefore we discoursed of Motives to induce them freely to contribute: (The Chief whereof was, That his Majesty's Grace and Goodness had been much extended to the Catholicks, considering how sharp and penal the Laws were against them) and to seek by way of Gratitude upon this Occasion to make Return answerable. Other Motives there were, which were drawn by *Signieur Con*, which I was not acquainted with; but he told me, he had sent down such Motives and Instructions as he thought were fit Inducements upon that Occasion. And as to the Question, What Persons I consulted withal? There was at the Meeting several times Sir *John Winter* the Queen's Secretary, Sir *Basil Brooks*, Mr. *Montague*, and one Mr. *Foster*, who was a Person *Signieur Con* had particular Confidence in. For the particular Sums received, I am not able to give a particular Account, for my Attendance was not long upon that Service; I remember 10000 *l.* at one time paid into the *Exchequer*, and 2000 *l.* at another time, (for which Tallies were struck) collected from Recusants in these Southern Parts; and Sir *Basil Brooks* was nominated Treasurer; he kept the Account, and managed the Business: He said he had dealt clearly and candidly with the Parliament, and declared as much as he knew in this Business.

Mr. *Walter Montague* being afterwards called in, and examined at the Bar of the House, did acknowledge much of what was said by Sir *Kenelm Digby* for the Motives and Inducements to the raising of these Monies; and that the whole Transaction of the Business was at *Signieur Con's* House; and said, That it is true he is called the Pope's *Nuncio*, but Mr. *Montague* did not believe he was commissioned by the Pope in that Capacity; but rather that he comes from the Pope, particularly to attend the Queen's Person, in order to Matters of their Religion, in reference to her Majesty alone.

Sir *Kenelm Digby* being again called into the House, and demanded in what Capacity *Signieur Con* came into England, and how it came to pass, that he coming immediately from the Pope should be the Principal in that Business, and should so willingly undertake the Engagement of Two Kingdoms in a Bloody War?

To this he made Answer, How his Acquaintance came to be so great in the Nation, he could not tell; but he was sure that his Interest was greater than any Interest Sir *Kenelm Digby* had, to advance the Business; for the Application was great unto him from Catholicks all over the Nation; that he doth not know of any particular Authority or Jurisdiction he had by any Power from the Pope over the Catholicks of England; but as they say, he is a *Nuncio* or Legate of the Pope's; tho' *Nuncio* is a Word doth imply a different Sense; for if he do but come to keep a civil Correspondence between the Pope and the Queen, in that case he may be said to be a *Nuncio*: But whether he was an Agent, so as to carry any Jurisdiction from the Pope, he doth not know, he cannot speak it positively; he was willing to keep himself ignorant as much as he might of many things, having much less Acquaintance with Catholicks than it is imagined he had. But as for Count *Rozetti*, he hath heard say, That he came with some Jurisdiction from the Pope; but had heard him (*Rozetti*) likewise say at *Whitehall*, That he did particularly renounce any such Jurisdiction in England, as was reported he had from the Pope.

Mr. *Mountague* was again interrogated upon these Questions, and made Answer much to the Purpose that Sir *Kenelm Digby* had done.

The Petition of the Inhabitants of *Paliswick* in *Essex*, against Mr. *Thomas Dove*, was ordered to be read on Monday, and referred then, as also *Chigwell* Petition, to the Committee for scandalous Ministers.

Petition against Dove.

Upon



Upon a Debate this Day in the Lords House, touching the Power of conveying away of Honour, it was (*Nemine contradicente*) resolved upon the Question,

*That no Person that hath any Honour in him as a Peer of this Realm, may alien and transfer the same to any other Person.*

It was also ordered by the Lords, That such Judges as the House of Commons shall desire, are to be examined in the Case of the Lord Finch, by the same Deputed Lords as were appointed in the Earl of Strafford's Case: But the Judges are not to be examined upon any thing to accuse themselves.

Sir Nathanael Brent, and Sir John Lamb, summoned for laying a Tax upon the Town of Hodsdon in the County of Bucks, contrary to Law, for the maintaining a Pair of Organs and an Organist.

Then Part of the Ministers Remonstrance concerning the Government of the Church was read; in the Debate whereof, some smart Repartees pass'd between Mr. Grimston and Mr. Selden. Mr. Grimston arguing thus: That Bishops are Jure Divino, is a Question; That Archbishops are not Jure Divino, is out of Question. Now that Bishops which are question'd whether Jure Divino, or Archbishops which out of Question are not Jure Divino, should suspend Ministers that are Jure Divino, I leave to you to be considered. To which Mr. Selden answered, That the Convocation is Jure Divino, is a Question; That Parliaments are not Jure Divino, is out of Question: That Religion is Jure Divino, there is no Question. Now, Sir, That the Convocation which is questionable whether Jure Divino, and Parliaments which out of Question are not Jure Divino, should meddle with Religion, which questionless is Jure Divino, I leave to your Consideration.

The Customers ordered to deliver Mr. Vassal's Goods, seized formerly by the Commissioners of the Customs.

Sir Nicholas Crisp's Case reported, concerning his Patent for the sole gathering of Copperas-Stones on the Sea-Coast: Whereupon he was voted to be expelled the House; and Mr. Speaker to issue out a Warrant to the Clerk of the Crown, to send out a Writ for a new Election to Winchelsea in Suffex, for which Place he served as a Member. And further it was ordered, That the whole Consideration of all Monopolies (except those of Salt, Soap, and Leather) be referred to a Committee, to consider who were the Authors of the several Patents and Grants for Monopolies, and of all others that have had any hand in the procuring or concealing of any Patent or Grant, or have received any Money or Gift for any of them. And have Power to enquire after all Grants of Patents; all Proclamations, Commissions, Contracts, Assignments, or any other thing that may have any relation, or concern any Patent, or any Grant of any Monopoly or Project.

The House of Lords sent a Message to the House of Commons, That his Majesty will be at the Banqueting House at Whitehall, about Two a-Clock in the Afternoon, and will expect their Attendance at that time, to receive his Majesty's Answer to the Remonstrance lately presented to his Majesty concerning Goodman the Priest, Papists, and Pope's Nuncio.

At which time the Houses attending accordingly, his Majesty was pleased to make the following Gracious Speech unto them.

**H**AVING taken into my serious Consideration the late Remonstrance of the Houses of Parliament, I give you this Answer.

That I take in good part your Care of the true Religion Establish'd in this Kingdom, from which I will never depart: As also your Tenderness of my Safety, and the Security of this State and Government. It is against my mind, that Popery or Superstition

16 Caroli.

Honour not alienable.

Judges to be examined.

Monday, Feb. 1.

Bishops.

February 2.  
Customers.Sir Nicholas  
Crisp expelled  
the House.Monopolies  
to be enquired  
after.February 3.  
Message.The King's  
Answer to  
the Remon-  
strance.



An. 1640.

Honour  
able\* One said to  
be the Pope's  
Nuntio.Honour  
ableHonour  
ableHonour  
ableHonour  
ableHonour  
ableHonour  
ableThe Scots De-  
mands confi-  
dered.

Superstition should any way increase within this Kingdom, and will restrain the same by causing the *Laws* to be put in Execution.

I am resolved to provide against the *Jesuits* and *Papists*, by setting forth a *Proclamation* with all speed, commanding them to depart the Kingdom within one Month; of which if they fail, or shall return, then they shall be proceeded against according to the *Laws*.

Concerning *Rosetti* \*, I give you to understand, That the Queen hath always assured me, That to her Knowledge he hath no Commission, but only to retain a personal Correspondence between her and the Pope, in things requisite for the Exercise of her Religion, which is warranted to her by the Articles of Marriage; which gave her a full Liberty of Conscience: Yet I have persuaded her, that since the misunderstanding of the Person's Condition gives Offence, she will in a convenient time remove him.

Moreover I will take a special Care to restrain my Subjects from resorting to Mass at *Denmark House*, *St. James's*, and the Chapels of Ambassadors.

Lastly, Concerning *John Goodman* the Priest, I will let you know the Reason why I reprieved him, and it is, That (as I am informed) neither Queen *Elizabeth*, nor my Father did ever avow, That any Priest in their Times was Executed merely for Religion, which to me seems to be this Particular; yet seeing I am press'd by both Houses to give way to his Execution, because I will avoid the Inconveniency of giving so great a Discontent to my People, as I conceive this Mercy may produce; therefore I do remit this particular Cause to both the Houses; but I desire them to take into their Consideration the Inconveniences, as I conceive may upon this Occasion fall upon my Subjects and other Protestants abroad, especially since it may seem to other States to be a Severity. Which having thus represented, I think my self discharged from all ill Consequence that may ensue upon the Execution of this Person.

The next Day his Majesty likewise caused a Petition of this *Goodman* to be communicated to the House of Lords by the Lord Keeper, which Petition was in these Words.

To the King's most Excellent Majesty, the Humble  
Petition of *John Goodman*, Condemned.

Humbly Sheweth,

That whereas your Petitioner hath been informed of a great Discontent in many of your Majesty's Subjects, at the gracious Mercy your Majesty was freely pleased to shew unto your Petitioner, by the suspending the Execution of the Sentence of Death pronounced against your Petitioner for being a *Romish* Priest:

These are humbly to beseech your Majesty, rather to remit your Petitioner to their Mercy that are discontented, than to let him live the Subject of so great Discontent in your People against your Majesty; for it hath pleased God to give me the Grace to desire with the Prophet, That if this Storm be raised for my Sake, I may be cast into the Sea, that others may avoid the Tempest.

This is, most Sacred Sovereign, the Petition of him, that should esteem his Blood well shed, to cement the Breach between your Majesty and your Subjects upon this Occasion.

Ha. Fector. *John Goodman*.

This Day the House reassumed the Consideration of the *Scots* Demands, especially upon that Proposition of their expecting Reparation for their great Losses sustained upon their Expedition into *England*. Whereupon there was very great Debate in the House, some thinking it to be dishonourable to repair their Losses, and our own Nation not considered for the Damages done them by the *Scots* Army.

Upon this Occasion, Sir *Benjamin Rudyard* delivered his mind in a Speech as follows:

Sir



## Sir Benjamin Rudyard's SPEECH.

16 Caroli.

Sir Benjamin  
Rudyard's  
Speech about  
the Scots De-  
mands.

Mr. Speaker,

**I**T will become us thankfully to acknowledge the Prudent and Painful Endeavours of my Lords, the Peers Commissioners, in treating with the *Scots*, and in mediating with the King; whereby (God assisting) we are now probably drawing near to a blessed Peace.

His Majesty, in his Wisdom and Goodness, is graciously pleased to give his Royal Assent to their Acts of Parliament; wherein their Articles of their Assembly are likewise included: Inasmuch, as their Religion, their Laws, their Liberties, are Ratified and Establish'd, besides their Grievances relieved and redressed; for which we use to give the King Money, and are still ready to do it. This, although it be a large, yet is not received as a full Satisfaction.

Besides, when they came into *England* they published a Remonstrance, 'That they would take nothing of the *English*, but what they would pay for, or give 'Security'; we have defrayed them hitherto, and are provided to do it longer.

They did well remember, That we assisted them in the Time of their Reformation; and it is not to be forgotten, that we did bear our own Charges.

Concerning mutual Restitution of Ships and Goods, my Lords the Commissioners have very fairly and discreetly accommodated that Particular already.

As for inferential and consequential Damages, such a Representation would but minister unacceptable Matter of Difference and Contestation, which amongst Friends ought to be warily and wisely avoided.

We could alledge, and truly too, That *Northumberland*, *Newcastle*, and the *Bishoprick*, will not recover their former State these Twenty Years. We have heard it spoken here in this House, by an understanding knowing Member in the Particular, That the Coal-Mines of *Newcastle* will not be set right again for One Hundred Thousand Pounds; besides the Over-price of Coals, which all the while it hath and will cost this City, and other Parts of the Kingdom. A great deal more of this Nature might be rehearsed; but I delight not to press such tender-stretched Arguments: Let us on both sides rather thank God, by proceeding in the Way he hath laid before us, and not wry his Way to ours: Time and his Blessing will repair all our implicit Damages, with many prosperous explicit Advantages.

They say, that they do not make any formal Demand; but they do make a Sum to appear, Five hundred and Fourteen thousand Pounds; more than ever we gave the King at once. A Portentous Apparition, which shews it self in a very dry Time: When the King's Revenue is totally exhausted, his Debts excessively multiplied, the Kingdom generally impoverished by grievous Burthens, and disordered Courses: All this Supply is to be drawn out of us only, without the least Help from any of his Majesty's other Dominions; which, to my seeming, will be an utter Draining of the People, unless *England* be *Puteus inexhaustus*, as the Pope's were wont to call it.

Notwithstanding, Sir, now that I have in part opened the State we are in, tho' nothing so exactly as they have done theirs; I shall most willingly and heartily afford the *Scots* whatsoever is just, equitable and honourable, even to a convenient, considerable, round Sum of Money, towards their Losses and Expences, that we may go off with a friendly and handsome Loss: If they reject it, we shall improve our Cause.

It was never yet thought, Mr. Speaker, any great Wisdom, over-much to trust a successful Sword. A Man that walks upon a rising Ground, the further he goes the larger is his Prospect; Success enlarges Mens Desires, extends their Ambition, it breeds Thoughts in them they never thought before: this is natural and usual. But the *Scots* being truly touched with Religion, according to their Profession, that only is able to make them keep their Word; for Religion is stronger and wiser than Reason, or Reason of State.

Beyond all this, Mr. Speaker, the remarkable Traces of God's wonderful Providence in this strange Work, are so many, so apparent, as I cannot but hope, almost to believe, That the same All-Governing, Merciful Hand will conduct and lead us to a happy Conclusion; will contract a closer, firmer Union between the Two Nations, than any mere human Policy could ever have effected, with inestimable Benefits to both; in advancing the Truth of Religion; in exalting the Greatness of the King;



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King; in securing the Peace of his Kingdoms against all malicious, envious, ambitious Opposites to Religion, to the King, to his Kingdoms, wherein I presume all our Desires and Prayers do meet.

*Afterwards Mr. Jarvis Hollis spake his Sense as to this Matter, thus:*

*Mr. Speaker,*

I Have with much Difficulty persuaded my self to offer any thing, my little Stock, to this Reckoning; yet since I have adventured to rise, I shall take the Liberty, with your Favour, to deliver my self freely. I have a blunt Way of speaking my Heart; it may be peradventure a Folly in me, but it is a Folly I love so well, I will not part with it.

Sir, We are now upon the 5th Article of the *Scots*, which as it was expressed by a Noble Lord at the Conference, is a very teeming Article; it hath produced many other, and they such, as I must confess and affirm, whatsoever Fucus or Artifice they be slighted over with, I do not like their Countenance; they may well be our Younger Brother of *Scotland*, but, like *Jacob*, they seem to me as if they had an Aim to *supplant us*, and take away our Birthright.

Sir, There is no Man that hath a more charitable Construction of Intentions than I had, whilst they made their Addreses in humble Distance, as befitted Subjects to their Sovereign; whilst they bounded their Desires within the due Limits of their ancient Liberties, and seemed to wish nothing but the just Freedom of Subjects and Christians in their Laws and Consciences, my Heart went along with them, and I wished them Satisfaction; but now Sir, when I see them swell in their Demands beyond all Proportion; when I heard them enlarge upon their first Propositions, and require Things unfit for a King to grant, and dishonourable for this Nation to suffer, I cannot but fix a Mark of Danger upon them; I fear we have nourished in our Bosom those that will sting us to Death.

*Here being interrupted, yet the House commanding him to go on, he said as followeth.*

Sir, I am sorry for this Interruption; and much more sorry, if I have given a Cause for it, for the Clearness of my own Thoughts acquits me; I brought no Intentions here, but such as were full of Fidelity and Zeal for the Service of this House and my Country, and shall always conserve them; and now if you please to command me to express my self like an *Englishman* and an Honest Man, I shall proceed; otherwise I shall testify my Obedience in my Silence.

*Then he was commanded to proceed, which he did as followeth.*

The Miseries and Calamities which this poor Kingdom hath thus long suffered, have hung like Weights upon my Soul, and I have groaned under the Oppression; for it was a great one: But these, as they call them Propositions, I must call them Commands, and I fear they will prove so; they threaten yet more, it is to unman us quite, and leave us in a Condition of all others the most despicable; for these appear to me like the Demands of *Naash* to the Men of *Jabesh*, putting out our Right Eyes.

Sir, Our Ancestors have not been acquainted with so much Tameness as to hear of such Demands at a Distance; and it cannot but trouble me, that we should not only meet them at the Half Way, but embrace the Bearers.

Sir, We are the Offspring of these Ancestors, their Blood runs in our Veins, and I hope as yet is not all turned to Water; there are Spirits of Life and Activity in us, and these will revive and speak plain *English* to us, whatever Damp or Apoplexy this Spirit of Slumber hath cast upon us; and I hope we shall either yet live with Honour, or take our honourable Farewel, and so be Honest and Gallant Men; between these Two there is not much Difference.

Therefore, Sir, my humble Proposition is this, That these Propositions may be committed to a select Committee, to consider of those which carry Reason and Modesty with them, that they may be presented here as fitting to be granted; and that those which are of another Insinuation may be rejected: And if our firm Peace may be had upon honest and honourable Terms, I will cherish the Thoughts of it; if not, there are but two Ways left worthy the Entertainment of this Nation; that is, to stand or fall with Honour.

God, I hope, and our *English* Virtues, will secure the first; if otherwise, he is neither worthy of Life nor Memory, that shall not bury himself in the Ruins of his Country.

When



When Mr. *Hollis*, at the Conclusion of this Speech, went to sit down, many Members cried, *To the Bar, To the Bar*; others declin'd that Cry, and moved he might have leave to Explain himself; which being granted, Mr. *Jarvis Hollis* stood up and made his Explanation; but it not giving Satisfaction, he was again called to the Bar, and suspended from the House during this Session.

After long Debates concerning this Affair, for Relief and friendly Assistance of the *Scots*, the House at last came to this Resolve,

That this House doth conceive the Sum of 300000 *l.* a fit Proportion for the friendly Assistance and Relief thought fit to be made towards the Losses and Necessities of *our Brethren of Scotland*; And that this House will, in due time, take into Consideration the manner how, and the Time when the same shall be raised.

Mr. *Francis Nevil* of *Yorkshire*, a Member of the House, was this day questioned for Breach of Privilege in the preceeding Parliament, which met the 13th of *April* 1640. by discovering to the King and Council, what Words some Members did let fall in their Debate in that House; whereupon Mr. *Bellasis*, Knight for *Yorkshire*, and Sir *John Hottham*, were committed by the Council Board; and Mr. *Nevil* being brought to the Bar, was by the House committed to the *Tower of London*; and Sir *William Savill*, touching the same Matter, was ordered to be sent for.

A Petition of the Inhabitants of *Wood-Church* in *Kent*, against Mr. *Bowen* their Parson, who being also a Justice of Peace, had by colour of that Office done several Things which they complained of as Grievances.

Upon the Debate whereof, the House came to a Resolution, and Ordered, That the Lord Keeper be desired to leave out *the Clergy* in *England* and *Wales*, at the renewing of the *Commission of the Peace*.

There was delivered likewise a Message from the Queen, by Mr. *Comptroller*, to excuse the Raising of Money by the Recusants for the *Northern Expedition*, in these following Words:

That Her Majesty hath been ready to use Her best endeavours for the removing of all misunderstandings between the King and his People.

That at the Request of the Lords who petitioned the King for a Parliament, Her Majesty at that time writ effectually to the King, and sent a Gentleman expressly to persuade the King to the holding of a Parliament.

That she hath since been most willing to do all good Offices between the King and his People, which is not unknown to divers of the Lords; and so shall ever continue to do, as judging it the only Way of Happiness to the King, Her self, and the Kingdom, and that so all things may be justly settled between the King and His people, and all Cause of Misunderstanding taken away and removed.

That Her Majesty having taken knowledge, that having one sent to Her from the Pope, is distastful to the Kingdom, she is desirous to give satisfaction to the Parliament, which in convenient time she will do, and remove him out of the Kingdom.

That understanding likewise that Exception had been taken to the great Resort to the Chapel of *Denmark-House*, She will be careful not to exceed that which is convenient and necessary for the Exercise of Her Religion.

She further taketh notice, That the Parliament is not satisfied with the Manner of Raising Money for the Assistance of the King in His Journey to the *North* in the Year 1639. at her entreaty from the Catholics; She was moved thereunto merely out of her dear and tender Affection to the King, and by the Example of others His Majesty's Subjects, in whom she seeing the like forwardness, could not but express her forwardness to the Assistance of the King.

If any thing be Illegal, She was ignorant of the Law, and was carried therein only out of a great desire to be assistant to the King in so pressing an Occasion; but

16 Caroli.

Three Hundred Thousand Pounds for our Brethren the Scots.

February 4. Mr. Nevil of Yorkshire sent to the Tower, for discovering Words spoken in the House.

Friday, Febr. 5 Bowen.

Clergy to be put out of Commission of the Peace.

Her Majesty's Message.



An. 1640.

Saturday, Febr.

6.  
Mr. St. John's  
Speech.

promiseth to be more cautious hereafter, and not to do any thing but what may stand with the Established Laws of the Kingdom.

Her Majesty being desirous to employ Her whole Power to unite the King and his People, desireth the Parliament to look forwards, and pass by such Mistakes and Errors of Her Servants as may have been formerly committed; and this your Respect, She promiseth, shall be repay'd with all the good Offices She can do to this House, which you shall find with real Effects, as often as there shall be Occasion.

A Committee to take care that the Copies that are abroad of the Speech or Declaration, (which Mr. St. John the King's Solicitor) delivered at a Conference with the Lords concerning the Ship-money, may be suppressed; and he that caused them to be Printed imperfectly, to be questioned: And they are likewise to see how the Consultations concerning the *Ship-money* are entred in the Lords House; And that a true Copy of Mr. Solicitor's Declaration may be brought in hither; and then to consider how a Declaration of the whole Proceedings may be set forth in Print, and a *Vacatur* be Entred upon all the Records in the Courts of *Westminster*, where the Judges Opinions are Entred.

The Matter of the Treaty with the *Scots* came again into Debate; and the further *Cessation* agreed to by the Lords Commissioners for a Month, was by the House consented to, if the Treaty should so long continue.

Scots Thanks.

And the *Scots* Commissioners return'd their Thanks to the Parliament for the Three Hundred Thousand Pound; and for the Style of *Brethren* given them in the Vote of the House on that Occasion.

Monday and  
Tuesday, Febr.  
8, 9.  
Episcopacy.

There were these Two Days, great and tedious Debates in the House of Commons concerning Episcopal Government; divers Opinions there were, some for the Reformation of Bishops; others, to have them quite taken away. It was agreed by most, to take from them their Lordly Prelacy, to tye them up from meddling with Temporal Affairs, and to restrain their Jurisdictions and Courts.

Concerning which, the following Speeches were then made in the House; the Lord *Digby* beginning with an Eloquent Harangue in favour of Episcopacy; and Mr. *Fiennes*, and others of contrary Sentiments, answering thereunto, which took up most of the time these two Days.

### The Lord *Digby's* SPEECH about the *London* Petition, and Bishops.

Mr. Speaker,

The Lord  
Digby's Speech  
about the *Lon-*  
*don* Petition  
and Bishops,  
Febr. 9. 1640.

I Know it is a *tender* Subject I am to speak of, wherein I believe some within these Walls are engaged with earnestness in contrary Opinions to mine, and therefore it will be necessary, that in the first Place, I beseech the *Patience* of this House, that they will be pleased to hear me without Interruption; tho' somewhat I say should chance to be displeasing, I hope there will be somewhat from me, ere I conclude, that may be of Service to this House.

Sir, If I thought there were no further design in the Desires of some, that this *London* Petition should be Committed, than merely to make use of it as an *Index* of *Grievances*, I should wink at the Faults of it, and not much oppose it.

There is no Man within these Walls more sensible of the *Heavy Grievance* of *Church Government* than my self, nor whose Affections are *keener* to the Clipping of these *Wings of the Prelates*, whereby they have mounted to such *Insolencies*; nor whose Zeal is more ardent to the *Searing* them so, as they may never spring again.

But having Reason to believe that some aim at a *total Extirpation* of Bishops, which is against my Heart; and that the Committing of this Petition may give Countenance to that Design, I cannot restrain my self from labouring to divert it, or at least to set such Notes upon it as may make it ineffectual to that end.



Truly Sir, when this Petition was first brought into the House, I considered it in its Nature, in the manner of Delivery, in the present Conjuncture of Affairs, both Ecclesiastical and Civil, to be a Thing of the highest Consequence that any Age hath presented to a Parliament; and the same Thoughts I have of it still.

I profess, I looked upon it then with Terror, as upon a Comet or Blazing-Star, raised and kindled out of the Stench, out of the poysonous Exhalation of a corrupted Hierarchy: Methought the Comet had a terrible Tail with it, Sir, and pointed to the *North*; the same Fears dwell with me still concerning it; (and I beseech God they may not prove Prophetical.) I fear all the Prudence, all the Forecast, all the Virtue of this House, how unitedly soever collected, how vigorously soever applied, will have a hard Work of it yet to hinder this *Meteor* from causing such Distempers and Combustions by its Influence, as it then portended by its Appearance. Whatever the Event be, I shall discharge my Conscience concerning it freely and uprightly, as unbiased by Popularity, as by any Court Respects.

Sir, I could never flatter the Sense of this House which I reverence so much, as to suppress a single *No*, that my Heart dictated, though I knew the venting of it might cast Prejudices upon me; had my Fortune placed me near a King, I could not have flattered a King; and I do not intend now to flatter a Multitude.

I shall desire those worthy Aldermen, and the rest here of the City of *London*, not to take any Thing I shall say, in the least way of Disparagement or Reflection on the City; I look not upon this Petition as a Petition from the City of *London*, but from I know not what 15000 *Londoners*, all that could be got to subscribe.

When this Petition was first presented, there might be more Reason for the Commitment of it, as being then the most comprehensive Catalogue we had of Church Grievances; but now that the Ministers by their Remonstrance, have given us so fair and full an Index of them, without those Mixtures of Things contemptible, irrational, and presumptuous, wherewith this Petition abounds, I do not know, I profess, to what good End it can be committed, being full of contemptible Things. But first, Let me recall to your Mind the Manner of its Delivery; and I am confident there is no Man of Judgment, that will think it fit for a Parliament under a Monarchy, to give Countenance to irregular and tumultuous Assemblies of People, be it for never so good an End: Besides, there is no Man of the least Insight into Nature, or History, but knows the Danger, when either true, or pretended Stimulation of Conscience hath once given a Multitude Agitation.

Contemptible Things, Sir, swarm in the 8, 13, 14, 15, 16, 17, Articles of this Petition. Did ever any Body think that the Gayeties of *Ovid*, or *Tom. Coryat's Muse*, should by 15000 have been presented to a Parliament, as a Motive for the Extirpation of Bishops. The Scandal of the Rochet, the Lawn-Sleeves, the Four-Corner Cap, the Cope, the Surplice, the Tipper, the Hood, the Canonical Coat, &c. may pass with Arguments of the same Weight; only thus much let me observe upon it, (Mr. *Speaker*), that one would swear the Penners of the Article, had the pluming of some Bishops already, they are so acquainted with every Feather of them. In a Word, I know not whether it be more preposterous to infer the Extirpation of Bishops from such weak Arguments, or to attribute as they do to Church-Government all the Civil Grievances; not a Patent, not a Monopoly, not the Price of a Commodity raised, but these Men make Bishops the Cause of it.

For the irrational Part, (Mr. *Speaker*), First they Petition us in a Method only allowable with those, whose Judgment or Justice is suspected; that is *iniquum petere, ut equum feras*. There is no *Logick*, no Reasoning in their Demands; it were want of *Logick* in me to expect it from a Multitude; but I consider the Multitude in this, is led by implicate Faith, to that which hath been digested, and contrived but by a few; and in them, truly, I cannot but wonder at the want of Reconciliation here.

A Petition, Mr. *Speaker*, ought in this to be a kind of *Syllogism*, that the Conclusion, the Prayer, ought to hold proportion with the Premises; that is, with the Allegations and Complaints, and to be reasonably deduced from them.

But what have we here? A multitude of Allegations, a multitude of Instances, of Abuses, and Depravations of Church-Government: And what inferred from thence? Let the *Use* be utterly abolish'd for the Abuses sake; as if they should say, that because Drunkenness and Adultery are grown so epidemical, as is alledged in the Petition, let there be no more use of *Wine* nor of Women in the Land.

Christ's Discipline hath been Adulterated, 'tis true, the whole Church inebriated by the *Prelates*, therefore infer our Petitioners, Let not so much as the Chast, the Sober Use of them be suffered.

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Give me leave to continue one of the Comparisons a little further. Should it be demonstrated unto us, that *Wine* could not be made use of without Drunkenness; and withal, some such Liquor presented as Healthy, and as Nourishing, from which no Distemper could arise; I should not blame any Man for desiring to pluck up the Vine by the *Roots*; but for the moveable Ills sake, to take away the solid good of a Thing is just as reasonable in this, as to root up a good Tree, because there is a *Canker* in the Branches.

For the *bold* part of this Petition, Sir, what can there be of greater Presumption, than for Petitioners, not only to *prescribe* to a Parliament, what, and how it shall do; but for a Multitude to teach a Parliament what, and what is not the Government, according to God's Word.

Besides, what is the Petition against? Is it not against the Government of the Church of *England* established by *Acts* of Parliament? Is it not against the Liturgy, against several Forms of Divine Service, ratified by the same Authority?

'Tis true, Mr. *Speaker*, The Parliament may mend, may alter, may repeal Laws, may make new, and I hope in due Season we shall do so in point of Church-Government; but in the mean time let me tell you, Sir, I cannot but esteem it an Irreverence, and high Presumption in any, to Petition point-blank against a Law, or Government in Force.

Representment of Inconvenience may be made (as the Ministers have done) such as may induce the Wisdom of a Parliament to devise Laws, to rectify, to repeal them; but it imports the very Essence of Parliaments to keep up the Honour of its former Acts, and not to suffer them to be further blasted from abroad.

Believe me, Mr. *Speaker*, all the Reverence and Authority which we expect from future Times to our own Acts hereafter, depends upon our upholding the Dignity of what former Parliaments have done, even in those Things which in their due time we may desire and intend to reverse.

Mr. *Speaker*, You see in what plain Language I have set forth unto you the Faults of this Petition; notwithstanding, as great as they are, so they may not obtain any seeming Countenance from us, I find my self willing to have them past by, especially when I consider how naturally prone all Mankind is, when it finds it self oppressed beyond Patience, to fly unto Extreame for Ease; and indeed, I do not think that any People hath been ever more provoked, than the generality of *England* of late Years by the Insolencies and Exorbitances of the Prelates.

I protest sincerely, Mr. *Speaker*, I cannot cast mine Eye upon this Petition, nor my Thoughts on the Practices of the Church-men, that have governed it of late, but they appeared to me as a Scourge employed by God upon us, for the Sins of the Nation; and I could not but think of that Passage in the Book of *Kings*, *He that escapes the Sword of Hazael, shall Jehu slay; and he that escapes Jehu, shall Elisha slay.*

Methinks, *The Vengeance of the Prelates* hath been so laid, as if 'twere meant, no Generation, no Degree, no Complexion of Mankind should escape it.

Was there a Man of nice and tender Conscience? Him have they afflicted with Scandal, in *Adiaphoris*; imposing on him those Things as necessary which he thinks unlawful, and they themselves knew to be but indifferent.

Was there a Man of a Legal Conscience, that made the Establishment by Law the Measure of his Religion? Him have they nettled with Innovations, with fresh Introductions to Popery.

Was there a Man of a meek and humble Spirit? Him have they trampled to Dirt in their Pride.

Was there a Man of a proud and arrogant Nature? Him have they bereft of Reason, with Indignation at their superlative Insolence about him.

Was there a Man peaceably affected, studious of the Quiet and Tranquillity of his Country? Their Incendiariships hath plagued him.

Was there a Man faithfully addicted to the Right of the Crown, Loyally affected to the King's Supremacy? How hath he been galled by their new Oath? A direct Covenant against it.

Was there a Man tenacious of the Liberty and Property of the Subject? Have they not set forth Books, or Sermons, or Canons destructive to them all?

Was there a Man of a pretty sturdy Conscience that would not blanch for a little? Their pernicious Oath hath made him sensible, and wounded; or I fear, prepared him for the Devil.



Was there a Man that durst mutter against their Insolencies? He may enquire for his Lugs, they have been within the Bishop's Visitation; as if they would not only derive their Brandishment of the Spiritual Sword from St. Peter, but of the material one too, and the Right to cut off Ears.

Mr. *Speaker*, As dully, as faintly, as unlively, as in Language, these Actions of the Prelates hath been expressed unto you; I am confident there is no Man hears me but is brimfull of Indignation.

For my part, I profess, I am so inflamed with the Sense of them, that I find my self ready to cry out with the loudest of the 15000; Down with them, down with them, even to the Ground.

But, Mr. *Speaker*, when I cast my Eye round about this great and wise Assembly, and find my self a Part too, (though the most unworthy, and inconsiderable) of that Senate, from whose Dispassionate and equal Constitutions present and future Times must expect their Happiness or Infelicity:

It obliges me to the utmost of my Power to divest my self and others, of all those Disturbances of Judgment, which arise ever from great Provocations; and to settle my Thoughts in that Temper which I think necessary to all those that would judge clearly of such Things as have incensed them.

I beseech you, Gentlemen, let us not be led on by Passion to Popular and Vulgar Errors; it is natural (as I told you before), to the Multitude to fly into Extrems; that seems ever the best to them, that is most opposite to the present Object of their Hate.

Wise Counsels (Mr. *Speaker*) must square their Resolutions by another Measure, by what's most Just, most Honourable, most Convenient; believe me, Sir, great Alterations of Government are rarely accompanied with any of these. Mr. *Speaker*, we all agree upon this, That a Reformation of Church-Government is most necessary; and our happy Unity of Opinions herein should be one Argument unto us to stay there. But, Sir, to strike at the Root, to attempt a total Alteration, before ever I can give my Vote unto that, three Things must be made manifest unto me: First, That the Mischiefs which we have felt under *Episcopal* Government, flow from the Nature of the Function, not from the Abuses of it only; that is, that no Rules, no Boundaries can be set to Bishops, able to restrain them from such Exorbitances. Secondly, Such a Frame of Government must be laid before us, as no Time, no Corruption, can make liable to proportionable Inconveniences with that which we abolish. And Thirdly, it must be made to appear, that this *Utopia* is practicable.

For the First, Sir, That Episcopacy, a Function deduced through all Ages of Christ's Church from the Apostles Times, and continued the most venerable and sacred Order Ecclesiastical; a Function, dignified by the Learning and Piety of so many Fathers of the Church, glorified by so many Martyrdoms in the Primitive Times, and some since our own blessed Reformation; a Government admired (I speak it knowingly) by the Learnedest of the Reformed Churches abroad; and Lastly, A Government under which, (till these late Years) this Church hath so flourished, so fructified; that such a Government, such a Function, should at the *Fag End* of 1640 Years be found to have such a *close Devil* in it, as no Power can Exorcise, no Law restrain, appears, (Sir) to me a Thing very improbable; I profess, I am deceived, Sir, if Triennial Parliaments will not be a Circle able to keep many a worse Devil in order.

For the Second, I know not the strength of other Mens Fancies, but I will confess unto you ingenuously the Weakness of my Faith in the Point, That I do not believe there can any other Government be proposed, but will in time be subject to as great, or greater Inconveniences than Episcopacy; I mean Episcopacy so ordered, reduced, and limited, as I suppose it may be by firm and solid Boundaries.

'Tis true, Sir, we cannot so well judge before hand of future Inconveniences: For the knowledge of the Faults and Mischiefs of Episcopal Government, resulting from fresh and bleeding Experience:

And the insight into Dangers of any new way that shall be proposed, being to rise only from Speculation, the Apprehension of the one is likely to be much more operative than of the other, tho' perhaps in just reason it ought to be the weaker with us. It is hard in such Cases for us to preserve an equal and unpropense Judgment (Sense being in Things of this World so much too hard for Faith and Contemplation) yet, as Divine as our Inspection is into Things not experimented, if we hearken to those that

would



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would quite extirpate Episcopacy ; I am confident that instead of every Bishop we put down in a Diocese, we shall set up a Pope in every Parish.

Lastly, Mr. *Speaker*, whether the Subversion of Episcopacy, and the introducing of another kind of Government, be practicable, I leave it to those to judge, who have considered the Connection and Interweaving of the Church-Government with the Common Law, to those who heard the *King's-Speech* to us the other Day, or who have looked into *Reason of State*.

For my Part (though no Statesman) I will speak my Mind freely in this ; I do not think a King can put down Bishops totally with Safety to Monarchy ; not that there is any such Alliance as Men talk of 'twixt the Mitre and the Crown ; but from this Reason, that upon the putting down of Bishops, the Government of Assemblies is like to succeed it : That (to be effectual) must draw to it self the Supremacy of Ecclesiastical Jurisdiction ; that (consequently) the power of Excommunicating Kings as well as any other Brother in Christ ; and if a King chance to be delivered over to Satan, judge whether Men are likely to care much what becomes of him next.

These Things considered, Mr. *Speaker*, let us lay aside all Thoughts of such dangerous, such fundamental, such unaccomplished Alterations, and all Thought of countenancing those Thoughts in others ; let us all resolve upon that Course wherein (with Union) we may probably promise our selves Success, Happiness, and Security, that is, in a thorough Reformation.

To that, no Man's Vote shall be given with more Zeal, with more Heartiness than mine. Let us not destroy Bishops, but make Bishops such as they were in the Primitive Times.

Do their large Territories, their large Revenues offend ? Let them be retrench'd ; the good Bishop of *Hippo* had but a narrow Diocese.

Do their Courts and Subordinates offend ; let them be brought to Govern as in the Primitive Times, by Assemblies of their Clergy ?

Doth their intermeddling in Secular Affairs offend ; Exclude them from the Capacity ; it is no more than what Reason and all Antiquity hath interdicted them.

That all this may be the better effected, Mr. *Speaker*, my Motion is, That first, we may appoint a Committee to collect all Grievances springing from the Misgovernment of the Church (to which the Ministers Heads of Government will be sufficient, without countenancing this Petition by a Commitment) and to represent it to this House in a Body.

And in the next Place, that we may (if it stand with the Order of Parliaments) desire that there may be a standing Committee of certain Members of both Houses, who (with a Number of such Learned Ministers as the Houses shall nominate for Assistants) may take into consideration all these Grievances, and advise of the best way to settle Peace and Satisfaction in the Government of the Church, to the Comfort of all good Christians, and all good Commonwealths-men.

Mr. *Nathaniel Fiennes* his SPEECH, in Answer to the Lord Digby's, Febr. 9. 1640.

Mr. *Speaker*,

TWO Things have fallen into Debate this Day : The first concerning the *Londoners* Petition, whether it should be committed or no.

The other, concerning the Government of the Church by Archbishops, Bishops, &c. whether it should be countenanced or no.

For the first, I do not understand by any Thing I have yet heard, why the *Londoners* Petition should not be committed or countenanced ; the Exceptions that are taken against it are from the Irregularities of it of the Delivery, and from the Subject-matter contained in it.

For the first, it is alledged, that the long Tail of this Blazing-Star is Ominous ; and that such a Number of Petitioners, and such a Number that brought the Petition to the House was irregular : Hereunto I answer, That the Fault was either in the multitude of the Petitioners, or in their Carriages and Demeanors ; if a Multitude find themselves aggrieved, why it should be Fault in them to express their Grievances more than in one or a few, I cannot see ; nay, to me it seems rather a Reason that their Petitions should be committed and taken into serious Consideration ; for thereby they may receive Satisfaction, though all may not be granted that they desire ; but if we shall throw their Petition behind the Door, and refuse to consider it, that may seem an *Act of Will* in us. And whether an *Act of Will* in us may



may not produce an Act of Will in the People, I leave it to your Consideration. Sure I am, Acts of Will are more dangerous there than here, because usually they are more Tumultuous. All Laws are made principally for the Quiet and Peace of a Kingdom; and a Law may be of such indifferent Nature many times, that it is a good Reason to alter it, only because a great Number desires it, if there were nothing else in it; and therefore I do not see that the Number of Petitioners is any good Reason why it should not be Committed, but rather to the contrary.

Now for their Carriage: There came indeed three or 400 of the 1500, some of the better Sort of them; and there might be good Reason for it. I have heard that there was brought a Petition to some *Privy Councillors* with a Thousand Hands to it; and being brought only with *Six Men*, they were answered, That *they Six might write those Thousand Hands*: If there were a Thousand that joyned in the Petition, *why did they not come too?* And we heard it objected but the other Day in this House against the *Ministers Petition*, That there was indeed seven or eight hundred Names to it, but *two Hands* only. Therefore it was not without Cause that a considerable Number should come with a Petition signed by so many; but for *any disorder* in their Carriage, I saw none. For upon an Intimation in one Word from this House, they forthwith retired to their Dwellings. As for the Subject-matter of the Petition, three Exceptions are taken against it.

First, That divers Things are *contemptible* in it, as that about *Ovid de Amore*, set forth in *English*, and other such Things.

Secondly, That in many Things their Discourse was altogether *irrational*, for that they argue from personal Faults of Bishops against the *Office* it self of Bishops; and in other Things argue from Effects that proceed from it by *accident*, as if they did naturally and necessarily arise out of it.

And in the last Place, That their Prayer and Conclusion is *bold* and presumptuous, desiring so boldly an *Abolition* of standing Laws.

To the first I answer, That some Things may seem *contemptible* in themselves, which are not so in their *Causes*, nor in their *Effects*; as the suffering of such *lascivious* Pamphlets to be printed and published, when other *profitable* Writings are *suppressed*, doth discover a Principle, that Looseness and *Prophaneness* (which will help to bring in *Superstition*) is more suitable to their *Hierarchy* than the contrary, which makes them connive at such Things as are apt to produce Looseness and Lewdness, and this is not a contemptible Effect, nor doth it proceed from a contemptible Cause.

In the next Place, for that which seems *Irrational* in the Way of their Discovery, divers Things may seem to be *Personal* Faults, which indeed are derived unto the Persons from the *Office*, or from the Circumstances thereof. I mean their *Revenues* and *Dignities* on the one Side, and the *Ceremonies* on the other Side; for most of the Things complained of, as *Silencing*, and thrusting out of Godly and painful Preachers, bringing in *Innovations* in Doctrine and Worship, and the like; although they may seem Personal and accidental Faults; yet if we follow them to their *last resort*, we shall find that their worldly *Wealth and Dignities* stir them up to do this; and that their sole and *Arbitrary Power* over the Clergy, in Matters Ecclesiastical, enable them to effect it, and the *Ceremonies* both new and old serve as Instruments, and Means whereby they effect it.

In the last Place, That their Prayer in the Conclusion of their Petition is *bold* or presumptuous, I do not see there is any Reason so to esteem of it; for if they had taken upon them to *have altered* any Thing upon their own Authority, or had *imperiously* required the Parliament to do it, then it might deserve such a Style; but when they come as *humble Suppliants* by Way of Petition, desiring the Altering of Laws that have been found burdensome unto them, and that of the Parliament, *where*, and wherein only old Laws may be repealed, and new Laws may be made, they came in the *right Manner* to their right and proper *Place*, and therefore have done nothing boldly or presumptuously, but orderly and regularly, and therefore ought not to receive any Check or Discouragement in the Way that they have taken.

Now, *Sir*, concerning the Government of the Church by Archbishops, Bishops, &c. which also hath been spoken unto; whereas it is desired that the Evils and Inconveniencies should be shewed which arise not from the Persons, but from the *Office it self* of Bishops, I shall apply my Discourse particularly to that Point. But first, I shall crave leave to say a Word or two in answer to what hath been alledged for the Credit of the Government by Bishops. First, that it is as *ancient* as Christian Religion, and that it hath continued ever since the time of Christ and his Apostles;



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as for this, I do not pretend to have so much knowledge in Antiquity as to confute this out of the Fathers and Ecclesiastical Histories; (although there are that undertake that) only one Sentence I have often heard cited out of St. *Jerome*, that in the Primitive Times, *Omnia communi Clericorum concilio regebantur*; and truly so far as the Acts of the Apostles, and the New Testament goeth, which was the ancientest and most Primitive Time of Christianity, I could never find there any distinction between a *Bishop* and a *Presbyter*, but that they were one and the very same Thing. In the next Place, that which is alledged for the Credit of Episcopacy, is, that our *Reformers* and *Martyrs* were many of them Bishops, and practised many of those Things now complained of; and that in other Reformed Churches where Bishops are not, yet they are *desired*. For the Martyrs and Reformers of the Church that were Bishops, I do not understand that that was any Part of their Reformation, nor of their *Martyrdom*; I have read, that whereas *Ridley* and *Hooper* had some Difference between them in their Life-time about these Things, when they came both to their Martyrdom, he that had formerly been the Patron of this *Hierarchy* and *Ceremonies*, told his Brother, that therein his *Foolishness* had contended with his *Wisdom*. As for that which is said, that in other Reformed Churches where they have not Bishops, yet they are desired; I will not deny but some among them may desire *Bishopricks*, I mean the Dignities and Revenues of Bishops; but that they desire Bishops, as thinking it the fittest and best Government of the Church, I cannot believe; for if they would have Bishops, why do they not make themselves *Bishops*? I know not what hindreth, why they might not have Bishops when they would. In the last Place, for that which is alledged in relation to the Government of this Kingdom, that Bishops are so necessary, as that the King cannot well let them go with the Safety of *Monarchy*; and that if Bishops be taken away, *Assemblies*, or something must come in the room thereof; and if Kings should be subject thereunto, and should happen to be *Excommunicated* thereby, that afterwards they would be little esteemed, or obeyed as Kings; for this, if it shall be cleared, as it is affirmed, or if any thing therein do strike at Monarchy, I shall never give my Vote nor Consent thereunto as long as I live. But to clear that this is not so, I offer to your Consideration, That by the Law of this Land not only all Ecclesiastical *Jurisdiction*, but also all Superiority, and Preheminence over the Ecclesiastical State, is annexed to the *Imperial Crown* of this Realm, and may be granted by Commission under the Great Seal to such Persons as his Majesty shall think meet: Now if the King should grant it as to a certain number of Commissioners, equal in Authority, he may do, this were an *Abolition of Episcopacy*, and yet no Diminution of Monarchy. But the Truth is, Episcopacy is a kind of *Monarchy under a Monarchy*, and is therein altogether unlike the Civil Government under his Majesty. For the King being a common Head over the Ecclesiastical State and the Civil, we shall find that in the Exercise of Civil Jurisdiction in all Courts under his Majesty, it is *Aristocratical*, and placed in *many*, and not in *one*, as appeareth in this High Court of Parliament, in the Inferior Courts of *Westminster-Hall*, and in the Assizes and Sessions in the Countrey, which are held by many Commissioners, and not only by one, or his Deputies and Commissaries, as it is in the Exercise of Ecclesiastical Government. As to the point of *Excommunication*, supposing that it did dissolve Natural and Civil Bonds of Duty, as it doth not, it might indeed be as terrible to Princes, as it is represented. But I reason thus; Either Princes are *subject to Excommunication*, or they are not; if they be not, then they need as little to fear a *Presbytery*, or an Assembly, as a *Bishop* in that Respect; if they be, they have as much to fear from *Bishops*, at leastwise from Bishops in their *Convocations*, as from Presbyters in their Assemblies; and so much the more, because they have formerly felt the Thunderbolts of those of that Stamp, but never from this latter sort.

And now Sir, I proceed to represent unto you the Evils and Inconveniences that do proceed from the Government and *Ceremonies* of the Church; and truly in my Opinion, the chief and principal Cause of all the Evils which we have suffered since the Reformation in this Church and State, hath proceeded from that division which so unhappily hath sprung up amongst us about Church-Government, and the Ceremonies of the Church; and from which Part in that Division, I believe it will appear in the Particulars: I know well there is a great Division, and that upon great Matters between Us and the *Papists*; and I am not ignorant that there have been great and sore Breaches made upon our Civil Liberties, and the Right of our Proprieties.



But yet still I return to my former Position, that the chief and most active Cause hath proceeded from the Government and Ceremonies of the Church, and that those other Causes have either fallen into it, and so acted by it, or issued out of it, and so acted from it: As for Popery, I conceive that to have been a Cause that hath fallen into this, and acted by it; for at the Reformation it received such a deadly Wound by so many sharp Laws enacted against it, that had it not been enlivened by this Division amongst us, it could never have had Influence upon our Church and State to have troubled them, as this Day we feel; but finding that in this Division amongst us, one Party had need of some of their Principals to maintain their Hierarchy, together with their Worldly Pomp and Ceremonies, which are Appurtenances thereunto: From hence they first conceived a ground to hope, and afterwards found Means of Success, towards the introducing again of their Superstition and Idolatry into this Realm; and they wrought so diligently upon this Foundation, that they have advanced their Building very far, and how near they were to set up the Roof, I leave it to your Consideration. As for the Evils which we have suffered in our Civil Liberties, and the Right of our Proprieties, I conceive they have proceeded out of this, and so acted from it: For if there had been no Breaches of Parliaments, there would have been no need to have had recourse unto those broken Cisterns that can hold no Water. But there being a stoppage of Parliamentary Supplies, that was an occasion of letting in upon us such an Inundation of Monopolies, and other illegal Taxes and Impositions, accompanied with many other heavy and sore Breaches of our Liberties. Now there need not to have been any Breaches of Parliaments, had there not been something disliked in them: And what was that? It could not be any of these Civil Matters that bred the first Difference, for they have proceeded out of it; therefore I conceive it was this; The Prelates with their Adherents (the Papists also concurring with them for their Interest), did always look upon Parliaments with an evil Eye, as no Friends to their Offices and Functions, at leastwise to their Benefices, and Dignities; and therefore, (some of them having always had the grace to be too near to Princes Ears), they have always endeavoured to breed a Disaffection in Kings from Parliaments, as the Press and Pulpit do abundantly witness, and Ballads too, made by some of them upon the Breaches of Parliaments. But we have a fresh and bleeding Instance of this in the Confirmation in His Majesty's Name, which they procured to be prefixed before their new Book of *Canons*, wherein they have endeavoured to make this Impression upon His Majesty's Royal Mind, That the Authors and Fomenters of the Jealousies, in respect of the new Rites and Ceremonies lately introduced into the Church, which we call Innovations, did strike at His Royal Person, as if he were perverted in his Religion, and did worship God in a superstitious Way, and intended to bring in some Innovation in some Matter of Religion. Now, Sir, who are the Authors of those Jealousies? Did they not come as Complaints in the Petitions from the Bodies of several Counties the last Parliament; and from more this present Parliament? And who were the Fomenters of those Jealousies? Did not the general Sense of the last Parliament concur in it, that they were Innovations, and that they were suspicious, as introductory to Superstition? Nay, I appeal to all those that hear me, which are drawn from all Parts of the Kingdom, whether this be not the general Sense of the greatest and most considerable Part of the whole Kingdom. I beseech you then to consider, what kind Offices these Men have done between the King and the Parliament, between the King and the Kingdom; I speak of the greatest and the most considerable Part, as giving Denomination to the Whole. And now, Sir, as we have cast our Eye backwards, if we will look forwards, how do the Clouds thicken upon us, and what Distractions, yea, what Dangers do they threaten us withal, proceeding still from the same Root of Church-Government and Ceremonies? And truly as Things now stand, I see but two Ways, the one of Destruction, the other of Satisfaction; Destruction, I mean of the opposite Party to the Bishops and the Ceremonies, and reducing of all to Canonical Obedience, by fair Means or by foul: This Way hath been already tried, and what Effect it hath brought forth in our Neighbour Kingdom, we well know; and it is like to produce no very good Effect in this Kingdom, if Mens Scruples and Reasons in that Behalf shall be only answered with Prisons, and Pillories, and hard Censures, that I may speak most softly of them. I hold therefore, that the other Way of Satisfaction is the safest, the easiest, and the only Way: And that is, to take into Consideration the several Heads of the Evils which are Causes of these Complaints; and to find out, and apply the proper Remedies thereunto. For the furtherance whereof, I shall



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make bold with your Patience, (which I am very unwilling to tire, but must tire my own Conscience, if I should not discharge it upon this Occasion) to represent a brief Model of the several Heads and Springs from whence the Evils, which are Causes of these Complaints, do naturally, or occasionally arise; the Evils complained of, do either arise from Persons, or from Things; those Faults that are personal are besides the Point that I intended to speak to. There is one only Remedy for them, that is, by Punishment, and Removal of such Persons, and the putting of better in their Room; as for those Evils which proceed from Things, they also are remedied by a Removal of such Things as are Evil, and the putting of better in their Room. The Evils, and Inconveniences of this Kind do principally flow, either from the Clergy's Offices and Functions, or from their Benefices and Dignities; those that arise from their Offices and Functions, do arise naturally, either from the Laws and Constitutions whereby, and according to which they exercise their Offices and Functions, or from the Government it self, wherein they exercise those Functions: The Faults that I note in the Ecclesiastical Laws are, that they hold too much of Civil Law, and too much of the Ceremonial Law; of the Civil Law, in respect of all those Titles, concerning Wills, and Legacies, Tithes, Marriages, Adulteries, &c. which all belonging to the Civil Jurisdiction, are no more of spiritual Consideration, than Rapes, Thefts, Felonies, or Treasons may be. Sir, it is good that every Bird should have his own Feather; and I remember when one came to our Saviour Christ, to desire him that he would cause his Brother to *divide the Inheritance with him*, he asked him, Who made him a Judge of such Things? And may not we ask, Who made them, that take themselves to be Successors of Christ and his Apostles, Judges of such Things? Many Inconveniences arise from hence; First, That the Minds of the Clergymen are inured unto Civil Dominion, and to meddle with Civil Matters. Secondly, The Manner of their Proceedings is turned from a Spiritual Way, into the Fashion of Processes in Temporal Courts. And Lastly, which is worst of all, by this means the Spiritual Sword comes to be unsheathed about such Things as do not at all fall under the Stroke thereof. Many are excommunicated for Pigs, Apples, and Nuts, and such like Things. But the other Fault which I noted in the Ecclesiastical Laws and Constitutions, pincheth us more, which is, that they hold too much of the Ceremonial Law.

And here, Mr. *Speaker*, give me leave to lament the Condition of this our Church of *England*, beyond that of all other Reformed Churches. A certain Number of Ceremonies, in the Judgment of some Men unlawful, and to be rejected of all Churches in the Judgment of all other Reformed Churches, and in the Judgment of our own Church but indifferent; and yet what Difference, yea what Distraction have these indifferent Ceremonies raised amongst us? What hath deprived us of so many Faithful, Able, and Godly Ministers since the Reformation, as able, and as fit in all other Respects to discharge that Function, as any Age ever produced in the Christian World since the Times of the Apostles: I say, what hath deprived us of them, but these indifferent Ceremonies? What hath deprived us of so many Thousand Christians which desired (and in all other Respects deserved) to hold Communion with us: I say, what hath deprived us of them, and scatter'd them into (I know not what) Places and Corners of the World, but these indifferent Ceremonies? What hath caused so many hard Censures, and harder Executions, but these indifferent Ceremonies? What hath occasioned these Calamities and Dangers which we feel, and which we fear, but these indifferent Ceremonies? I shall say no more of them, but I pray God that now at length it may please his Majesty with this his Great Council of Parliament, to take a view of them, and if there be a necessity to retain them, let them be retained; but if not, then let us remove them before they ruin us.

As to the Evils and Inconveniences that arise out of the Government it self, I should have noted something amiss, as well in the Legislative Part, as in the Executive Part; but in the former I am prevented, by what hath been already voted concerning the Power of making Canons: Which Votes, if they be brought to Perfection, they will set us right in great Part, in that Respect; for surely before, the Power was neither in the Hands of such as were Representative of that which is truly the *Church of England*, nor yet in the Hands of those that were truly Representative of the *Clergy of England*, (if they were the whole Church, as indeed they are not.) As to the Executive Part, which consisteth in the Exercise of Ecclesiastical Jurisdiction, therein I note also two Disorders, Confusion and Corruption; Confusion of the Spiritual Sword with the Temporal; Laymen strike with the Spiritual Sword, and Spiritual Men with the Temporal Sword; nay, out of the same Mouth, and at

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the same time proceedeth an *Excommunication*, and a *Fine*, or *Commitment*, or both: I will not say positively, that it is unlawful for Clergymen to exercise *Civil Jurisdiction*, because I know it is a Question; but yet such a Question as hath been determined by divers Canons of *General Councils*, and by some that were made in *Synods* of the Church of *England*, that it is unlawful, and that upon Grounds which are not contemptible.

As *First*, That it is contrary to the *Precept* and *Practice* of Christ, and his Apostles. And *Secondly*, That it is not possible for *one* Man to discharge *two* Functions, whereof either is sufficient to employ the *whole* Man; especially that of the Ministry is so great, that they ought not to entangle themselves with the Affairs of this World. A *Third* Ground not so well observed generally, as in one part thereof, is this, That Ministers of the Gospel, being sent especially to gain the Souls of Men, they are to gain as great an Interest as possibly may be, in their Minds and Affections. Now we know that the Nature of all Men is such, that they are apt to think hardly of those that are any Authors of their Pain and Punishment, altho' it be in a Way of *Justice*; and therefore, as it is well known, that Clergymen are not to be present in *Judicio sanguinis*; so the same Reason extends it self to the Administration of all Civil Jurisdiction. And therefore we may observe, that our Saviour Christ, as he always rejected all Civil Judicature; so on the other Hand, he went up and down healing Mens Bodies and otherwise doing good to their outward Estate, that his Doctrine might have a freer and fairer Passage into their Souls. For the Corruption that I spoke of in the Exercise of Ecclesiastical Jurisdiction, I do not mean any Personal Corruption, but a Deviation, or Aberration from the Prescript of Divine Rule. And tho' it be not easy to say what that is in all Particulars, yet it is not hard to say, What it is not; And that I doubt may prove our Case in divers Things. Ecclesiastical Jurisdiction, we know, extends either to the Clergy only, and consisteth in the *Ordination*, *Admission*, *Suspension*, and *Deprivation* of them; or else it extendeth to the *Whole Church*, and consisteth in *Excommunication* and *Absolution*. As to the Ordination, Admission, Suspension and Deprivation of Ministers, we see how it is wholly at the Pleasure of one Man, and that of one Man proceeding in a manner Arbitrarily; and that of one Man, whose Interest is concerned in it, that the Door shall be shut against able and painful Preaching Ministers, and a wide Door set open to such as are unable, and unfit for that Function; many and great and dangerous Evils arise from hence. As *First*, That there is a constant Hate and Feud between the *Ecclesiastical State* and the *Civil*, between Prelates and Parliaments, between the *Canon-Law* and the *Common-Law*, between the Clergy and the Commonwealth, arising from the Disproportion and Dissimilitude which is between the Civil and Ecclesiastical Government: however it may seem to some to agree well enough; but the Truth is, if we consider His Majesty as the Common Head over the Ecclesiastical State, as well as the Civil, we shall find that in the Exercise of all Civil Jurisdiction, in all Courts under His Majesty, the Power is not in any one, or his Deputies and Commissaries, as it is in the Ecclesiastical Government, in the several Dioceses throughout this Kingdom. If we look first upon the Highest and Greatest Court, the *High Court of Parliament*, we know that is a Council, and a great Council too. In like manner, in the inferior Courts at *Westminster Hall*, there are many Judges in the Point of *Law*, and more in Matter of *Fact*, wherein every Man is judged by Twelve of equal Condition unto him, (I mean the Juries) which are Judges of the Fact, both in Causes Civil and Criminal. And if we look into the Country, we shall find the Sessions and Assizes, and other Courts, held not by any one, but by divers Commissioners. And in short, in the Civil Government every Man from the greatest to the least, hath some share in the Government according to the Proportion of his Interest in the Commonwealth; but in the Government of the Church, all is in the Hands of one Man, in the several Dioceses, or of his Chancellors or Commissaries, and he exacts *Canonical Obedience* to his Pontifical Commands, with a total Exclusion of those that notwithstanding have as much share in the Church, and consequently as much interest in the Government of it, as they have in that of the Commonwealth. (Sir) *Until the Ecclesiastical Government be framed something of another twist, and be more assimilated unto that of the Commonwealth; I fear the Ecclesiastical Government will be no good Neighbour unto the Civil, but will be still casting of its Leaven into it, to reduce that also to a Sole, Absolute, and Arbitrary way of proceeding.* And herein (Sir) I do not believe that I utter Prophecies, but what we have already found and felt.



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A *Second*, and a great Evil, and of a dangerous Consequence, in this Sole and Arbitrary Power of Bishops over the Clergy, is this, That they have by that means a Power to place and displace the whole Clergy of their Dioceses at their Pleasure; and this is such a Power, as for my Part, I had rather they had the like Power over the Estates and Persons of all within their Diocese; for if I hold the one but at the Will and Pleasure of one Man, (I mean the *Ministry*, under which I must live) I can have but little, or at least no certain Joy or Comfort in the other. But this is not all; for if they have such a Power to mould the Clergy of their Dioceses according to their Pleasure, we know what an Influence they may have by them upon the *People*, and that in a short time they may bring them to such Blindness, and so mould them also to their own Wills, as that they may bring in *what Religion* they please; nay, having put out *our Eyes*, as the *Philistines* did *Sampson's*, they may afterwards make us *Grind*, and reduce us unto what Slavery they please, either unto themselves, as formerly they have done; or unto others, as some of them lately have been forward enough to do. Now, whether it be safe to walk upon *Stilts* on the Top of the Pinacles of the Temple, upon so high Precipices as are the Matters of Religion and Conscience, (which may have also a dangerous Influence upon our Civil Liberties) I leave it to your Consideration. For my part I should not think it safe, that such a Power should be in any *one* Man, tho' you suppose him to be a *very good Man*.

A *Third* Evil, and that of a dangerous Consequence, is, That the Door is shut against able and painful Preaching Ministers, and a wide Door set open to those that are unable and unfit for that Function, and the Bishop's Interest is concerned in it, that it should be so; Interest of *Honour*, Interest of *Profit*, and Interest of *Power*, and Interest of *Credit*; for they see that those painful Preachers carry away all the Credit from them, and they neither can nor will do the like themselves; they *cannot*, by Reason they are so intangled with the Affairs of this World, and Civil Jurisdiction; they *will not*, their great Dignities and Honours make them so stately, that they think it is not *Episcopal to Preach often*; and on the other side, they are so Fat, and live so much at their Ease, that through Idleness they cannot bring their Minds unto it; and so first ariseth *Envy* against those that do take Pains, and thence after springeth *Persecution*. In the next Place, their Interest is concerned in matter of *Profit*. For they suppose, that if the Credit of their *Diana* fall to the Ground, their Gain will after cease, and that the People will think much, that some Men should take all the *Pains*, and others go away with all the *Profit*. Lastly, Their Interest is concerned in it, in point of Power, for they find that neither such Preaching Ministers, nor their Auditors, are so pliable to yield blind Canonical Obedience, as others are; and it concerns them in point of Power to stop their Mouths.

And now it must needs follow by the Rule of Contraries, That it must be for their Honour and Power to set open a Door to idle and unfit Ministers; but there are two Particulars which I will note, wherein it concerns them in their Profits, to set the Door very wide open, where there is no Suspicion of Refractoriness. *First*, We know Bishops have several times Livings in *Commendam*, and *Pluralities*; but there is hardly any but they have *Impropriations*, whereof they are to see the Cure discharged; and therefore it is for their Profit, that there may be good store of *Cheap Curats*, which cannot be very fit and able Men, and with such ordinarily they furnish the Cures of such Places, whereof they have the *Impropriations*. *Sir*, In the next Place we know that *Orders* are not *Given*, but in a manner *Sold*; for that not only the *Bishop* and his *Register*, but also his *Usher*, his *Chamberlain*, his *Butler*, and *Porter*, and almost all his menial Servants must have their *Fees* before the poor Clerk with his Boxful of Orders, can pass the Porter's Lodge. I hear much of the Legal *Simony*, which consisteth in the Buying and Selling of *Benefices*; but whether this doth not approach nearer to the *Evangelical Simony*, which consisteth in the Buying and Selling of the Gift of the Holy Ghost, I offer it to your Consideration. Now, *Sir*, for *Excommunication and Absolution*, all seems to be out of Joynt; for Excommunication is neither in *right Hands*, nor exercised upon *right Grounds* and Matters, nor in a *right Form* and manner, nor to *right Ends*, and then it is no marvel if it have not *right Effects*: *Sir*, We know our Saviour hath lodged in the Church, for so runs the Precept, *Die Ecclesie*. Now, *Sir*, That one Man should be a Church, sounds strangely in my Ears. In the next Place, I beseech you, *Sir*, consider about what their Spiritual Sword is exercised, about things no Way lying under the stroke thereof; a Man shall be excommunicated for a *Pig*, or for an *Apple*, and such like things: I heard once a Gentleman of the Civil Law answer hereunto in this House,

That



That Excommunication was not for the Thing, but for the *Contempt*; and the less the Thing was commanded, the greater was the Contempt: If this were so, sure the greater is the Cruelty to lay a Command upon so small a matter that draweth after it so deep a *Censure* as to cast a Man down into Hell. Suppose a Magistrate should command some trivial matter, some Ceremony or other, under pain of Treason, and should proceed against the Infringers of his Command as Traytors, it were much to be doubted, Whether the Command did not partake more of Cruelty, than the Disobedience of Contempt; for when Authority shall so far lose it self, as to lay so great a weight upon so small a matter, it rendreth it self contemptible, and then it is no marvel, (I had almost said it is no Fault) if it be contemned, having made it self contemptible. Then, Sir, for the *Form* of proceeding, it is no whit spiritual; there is no Fasting and Prayer, no seeking to reclaim the Sinner; but rather it is after the Fashion of a summary Process in a Civil Court; Nay, Sir, it is accompanied sometimes with an Intimation, that no Man shall *buy or sell* with the Person excommunicated, nor set him on Work, nor do any civil or natural Offices unto him; as we had a Complaint brought in this Parliament of a Son that was excommunicated only for repeating a Sermon to his Father, being an excommunicated Person. Now, Sir, for the Ends for which this Censure is executed, they are ordinarily to fetch in *Fees*, or at best to bring Men under Canonical Obedience, which is the Ordinary's Will and Pleasure: And I have sometime seen a Minister pronounce *Excommunication*, which he held in one Hand, and presently after, the *Absolution*, which he held in the other; so the end of the excommunication was the *Absolution*, and the end of that, was *Fees*. Sir, For the honour of God, for the honour of our *National Church*, and for the honour of the *Christian Religion*, let the high and great Censure of the Church no longer lacquey after Fees; let not Christians any longer be cast to Satan in the Name of Jesus Christ, for the Non-payment of a Groat.

And now, Sir, we may imagine what *Effects* are like to follow upon such Premises, the great and dreadful Censure of *Excommunication* is thereby made contemptible; and were it not for the Civil Restraints, and Penalties that follow upon it, no Man would purchase an *Absolution*, tho' he might have it for a *Halfpenny*; and I have heard of some that have thanked the Ordinaries for abating or remitting the Fees of the Courts; but I never heard of any that thanked them for reclaiming their Souls to Repentance by their Excommunications. As for *Absolution*, it is a relative to *Excommunication*, and so labours of the same Disease; only one thing I shall particularly note concerning *Absolution*; Sir, it is called, *Commutation of Penance*, but indeed it is a Destruction of the Ordinance, making it void, and of none effect; and surely God never set his Ministers to sell *Indulgences* in his Church; the Oath that is to precede *Absolution*, *de parendo Juri Ecclesie & Stando, &c.* hath already been sufficiently spoken unto in the debate about the *Canons*, and therefore there will be no need of speaking more to that.

But I may now proceed to my last Head, wherein I shall be very brief, and that is concerning the Evils that arise out of the *Benefices* and *Dignities* of the Clergy, the common Cause being from the Inequality of the Distribution of them; much resembling a Disease very ordinary at this time amongst Children, which they call the *Rickets*, wherein the Nourishment goes all to the upper Parts, which are over-great and monstrous, and the lower Parts pine away; and so it is in the Clergy; some are so poor, that they cannot attend their Ministry, but are fain to keep *Schools*, nay *Alehouses*, some of them; and some are so *stately*, they will not attend to their Ministry; and so between them the Flock is starved: But our Evils have more especially proceeded from the excessive worldly Wealth and Dignities of one part of the Clergy, I mean such as either are in possession, or in hopes of *Bishopricks*; for these great Places of Profit and Honour, first have been the *Baits of Ambition*, and then they became the *Apples of Contention*, and last of all the *Seeds of Superstition*; the one being a step and degree unto the other, and all of them leading in the end to the Corruption, that I may not say Subversion, of our Religion, Sir, They are first the Baits of Ambition; and I know not by what secret Cause, but *Experience sheweth us, that when Clergymen have once tasted the sweet of worldly Wealth and Honour, they are more eager and ambitious after them, than any other sort of Men*; hereupon other godly Ministers, that live more according to the simplicity of the Gospel, and the Example of Christ, and his Apostles, cannot but bear witness against their worldly Pomp and Dignities, and so the fire of Contention breaketh forth. And truly, Sir, the state of the Clergy is very like to *Fire*, which whilst it keeps in the Chimney, it is of excellent use to warm those that approach unto it; but if it once break out into the House, and get upon the



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the House top, it sets all on fire; so whilst the Clergy keep themselves within the *Pulpit*, they are of great use to stir up the Zeal and Devotion of Christians; but if they once fly out into the House, if they begin to meddle with Civil Places and Jurisdictions, and especially if they once get up to the *Council-Table*, it is seldom seen but that at length they set all on fire; and what is it that maketh the fire to break out of the Chimney, but *too much fuel*? if there be but a moderate Proportion of Fuel, the Fire keeps itself within its bounds; but if you heap Faggot upon Faggot, a whole Cart-load together, then it breaketh out: So, Sir, if there be a *competent maintenance* for the Ministry, they will keep themselves within their bounds; but if Living be heaped upon Living, and Temporalities added to Spiritualities, the flame will soon break out, and set the House on fire. Sir, I do not envy the Wealth or Greatness of the Clergy; but I am very confident, *if those were less, they would be better*, and do more service to Christ and his Church; and I am very clear in mine own Heart, that the Livings of the Clergy being more equally distributed, the Service of God would be so far from receiving any prejudice, that it would be much advanced; and withal, a good proportion of Revenue might return again to the Crown, from whence it was first derived. Sir, Bishopricks, Deaneries and Chapters, are like to great Wasters in a Wood, they make no profit themselves, they cumber the Ground whereon they stand, and with their great Arms and Boughs stretched forth on every side, partly by their *shade*, and partly by their sower *droppings*, they hinder all the young Wood under them from growing and thriving. To speak plain *English*, These Bishops, Deans and Chapters, do little good themselves by Preaching or otherwise; and if they were felled, a great deal of good Timber might be cut out of them for the Use of the Church and Kingdom at this time. A fresh supply of three or four able Ministers might spring up in their stead to very good Purpose in those great Towns, which are ordinarily the Seats of those Episcopal and Collegiate Churches, and the private Congregations of divers Parochial Churches might thrive and grow better, which now have the Sun of God's Word, I mean the clear and spiritual preaching thereof, kept from them, and live in the dangerous shade of Ignorance, by reason that all the Means is taken from them, and *appropriated* unto Bishops, or to Deaneries and Chapters, and other such Collegiate Churches. Besides such as do begin to grow and start up through the voluntary Pains of some amongst them, or by such preaching as they themselves have procured by their voluntarily Contributions, should not still be dropped on as they are, from the Arms and Appendances of those Great Wasters, and kept down continually by their bitter Persecutions. That which remains now, is to shew how these great Revenues and Dignities become the *Seeds of Superstition*, and that is this: The Clergy in the Maintenance of their Greatness, which they are neither willing to *for-go*, nor yet well able to *maintain* upon the Principles of the Reformed Religion, finding that the Popish Principles, whereon the Bishop of Rome built his Greatness, does suit well with their Ends, that maketh them to side with that Party, and that must needs bring in *Superstition*: And as Ambition allureth on the one side, so the Principles they go by, draw them on farther and farther, and haply at length farther than they themselves at first intended.

Whether a *Reconciliation* with Rome were imagined or no by some, I leave it to every one to judge within himself: But sure I am, If an Accommodation could have been made in some Fashion or other with the Church of Rome, the Clergy might again be capable of Foreign Preferments, and *Cardinals Caps*; and this is no small Temptation. Now, Sir, I am at an end, only I shall draw out three Conclusions, which I conceive may clearly be collected out of what I have said. First, That *Civil Jurisdiction in the Persons of Clergymen, together with their great Revenues, and high Places of Dignity, is one great Cause of the Evils which we suffer in matter of Religion*. Secondly, That *the sole and arbitrary Power of Bishops in the Ordaining and Depriving of Ministers, and in Excommunication and Absolution, is another great Cause of the Evils we suffer in matters of Religion*. Thirdly, *The first urging of Subscription, and Conformity to the Ceremonies and Canons of the Church, is another great Cause of Evil which we suffer in matters of Religion*.

And now my humble Motion is, That we should not take a Piece only of this Subject into our Consideration, but the whole Matter; and that not only that part of the Ministers Remonstrance, which hath been read, should be referred to the Committee which you are about to name; but *London's Petition* also, and all other Petitions of the like nature, so soon as they shall be read in the House; and that the Committee may collect out of them all such Heads as are fit for the Consideration of this House; and surely that is fit to be *considered*, that haply will not be thought fit to be



be altered; Consideration is one thing, and Alteration is another; where there is a mixture of bad and good together, the whole must be considered, that we may know how to sever the Good from the Bad, and to retain the One, and reject the other, which is all that I desire. And if any Thing hath fallen from me more inconsiderate (as in so long a Discourse many Things may have done) I humbly crave the Pardon of the House; protesting that I have spoken nothing, but with a Mind which is ready to sacrifice the Body it dwelleth in, to the Peace and Safety of his Majesty's Kingdoms, and the Safety and Honour of his Majesty in the Government of them.

16 Caroli.

About the same time, and upon the same Occasion, Sir Benjamin Rudyard delivereth himself as followeth:

Mr. Speaker,

I Do verily believe, that there are many of the Clergy in our Church, who do think the Simplicity of the Gospel too mean a Vocation for them to serve in: They must have a Specious, Pompous, Sumptuous Religion, with Additionals of Temporal Greatness, Authority, Negotiation: Notwithstanding they all know better than I, what Fathers, Schoolmen, Councils, are against their mixing themselves in Secular Affairs.

This *Roman Ambition* will at length bring in the *Roman Religion*, and at last a haughty Insolence even against Supreme Power it self, if it be not timely and wisely prevented.

They have amongst them an *Apothegm* of their own making, which is, *No Mitre, no Sceptre*; when we know by dear Experience, that if the *Mitre* be once in danger, they care not to throw the *Sceptre* after it, to confound the whole Kingdom for their Interest.

And Histories will tell us, that whensoever the Clergy went high, *Monarchy* still went lower: If they could not make the Monarch the Head of their own Faction, they would be sure to make him less: Witness one Example for all, *The Pope's working the Emperor out of Italy*.

Some of ours, as soon as they are Bishops, *Adepto fine, cessant motus*, they will Preach no longer, their Office then is to Govern. But in my Opinion they Govern worse than they Preach, though they Preach not at all; for we see to what pass their Government hath brought us.

Mr. Speaker, It now behoves us to restrain the Bishops to the Duties of their Function, as they may never more hanker after Heterogeneous Extravagant Employments. Not to be so Absolute, so single and solitary in Actions of Moment, as Excommunication, Absolution, Ordination, and the like, but to join some of the Ministry with them, and further to regulate according to the Usage of Ancient Churches in the best Times, that by a well-temper'd Government, they may not have Power hereafter to corrupt the Church, to undo the Kingdom.

When they are thus circumscribed, and the Publick secur'd from their Corruptions, then shall I not grudge them a Liberal, Plentiful Subsistence, else I am sure they can never be given to Hospitality.

Although the calling of the Clergy be all glorious within, yet if they have not a large, considerable outward Support, they cannot be freed from vulgar Contempt.

It will always be fit, that the flourishing of the Church should hold proportion with the flourishing of the Commonwealth wherein it is. If we dwell in Houses of Cedar, why should they dwell in Skins? And I hope, I shall never see a good Bishop less worse than a Parson without a Gleab.

Certainly, Sir, this Superintendency of eminent Men Bishops over divers Churches, is the most Primitive, the most spreading, the most lasting Government of the Church. Wherefore whilst we are earnest to take away Innovations, let us beware we bring not in the greatest Innovation that ever was in *England*.

I do very well know, what very many do very fervently desire. But let us well bethink our selves, whether a Popular Democratical Government of the Church (though fit for other Places) will be either suitable or acceptable to a Regal Monarchical Government of the State.

Every Man can say, (it is so common and known a Truth) that sudden and great Changes both in Natural and Politick Bodies, have dangerous Operations. And give me leave to say, that we cannot presently see to the End of such a Consequence, especially in so great a Kingdom as this, and where it is so wrapp'd and involv'd in the Laws of it.

Where-



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Wherefore, Mr. *Speaker*, my humble Motion is, That we may punish the present Offenders, reduce and preserve the Calling for better Men hereafter. Let us remember with fresh Thankfulness to God, those Glorious Martyr-Bishops, who were burned for our Religion in the Times of Popery, who by their Zeal and Constancy upheld and conveyed it down to us.

We have some good Bishops still who do Preach every Lord's-Day, and are therefore worthy of double Honour; they have suffered enough already in the Disease, I shall be sorry we should make them suffer more in the Remedy.

## Lord Faulkland's SPEECH.

The Lord  
Faulkland's  
Speech, Feb. 9.  
1640.

Mr. *Speaker*,

**H**E is a great Stranger in *Israel*, who knows not this Kingdom hath long laboured under many and great Oppressions, both in Religion and Liberty; and his Acquaintance here is not great, or his Ingenuity less, who doth not both know and acknowledge, that a great, if not a principal Cause of both these have been some Bishops and their Adherents.

Mr. *Speaker*, A little Search will serve to find them to have been the Destruction of Unity, under pretence of *Uniformity*; to have brought in *Superstition* and *Scandal*, under the Titles of *Reverence* and *Decency*; to have defiled our *Church* by adorning our *Churches*; to have slackned the strictness of that Union which was formerly between us, and those of our Religion beyond the Sea; an Action as unpolitick as ungodly.

M. *Speaker*, We shall find them to have tythed Mint and Anise, and have left undone the weightier Works of the Law; to have been less eager upon those who damn our Church, than upon those, who upon weak Conscience, and perhaps as weak Reasons (the dislike of some commanded Garment, or some uncommanded Posture) only abstained from it. Nay, it hath been more dangerous for Men to go to some Neighbour's Parish when they had no Sermon in their own, than to be obstinate and perpetual *Recusants*; while *Masses* have been said in Security, a *Conventicle* hath been a Crime; and which is yet more, the conforming to Ceremonies hath been more exacted, than the conforming to Christianity; and whilst Men for *Scruples* have been undone, for Attempts upon *Sodomy* they have only been admonished.

Mr. *Speaker*, We shall find them to have been like the Hen in *Æsop*, which laying every Day an Egg upon such a proportion of Barley, her Mistress increasing her proportion in Hopes she would increase her Eggs, she grew so fat upon that Addition that she never laid more; so tho' at first their Preaching were the occasion of their Preferment, they after made their Preferment the occasion of their not Preaching.

Mr. *Speaker*, We shall find them to have resembled another Fable, *The Dog in the Manger*; to have neither preached themselves, nor employed those that should, nor suffered those that would; to have brought in Catechising only to thrust out Preaching; cried down Lectures by the Name of *Factions*, either because other Mens Industry in that Duty appeared a Reproof to their Neglect of it, (not unlike to that we read of him, who in *Nero's* Time, and *Tacitus's* History, was accused, because by his Virtue he did appear *Exprobare vitia Principis*) or with Intention to have brought in Darkness, that they may the easier sow their *Tares*, while it was Night; and by that Introduction of Ignorance, introduce the better that Religion which accounts it the *Mother of Devotion*.

Mr. *Speaker*, In this they have abused his Majesty, as well as the People; for when they had with great Wisdom (since usually the Children of Darkness are wiser in their Generation than the Children of Light; I may guess not without some Eye upon the most Politick Action of the most Politick Church) silenced on both Parts those Opinions which have often tormented the Church, and have, and will always trouble the Schools; they made use of this Declaration to tie up one Side, and let the other loose; whereas they ought either in Discretion to have been equally restrained, or in Justice to have been equally tolerated. And it is observable, That that Party to which they gave this License, was that whose Doctrine, tho' it were not contrary to Law, was contrary to Custom, and for a long while in this Kingdom was no oftner preached than recanted.

The Truth is, Mr. *Speaker*, That as some ill Ministers in our State first took away our Money from us, and after endeavoured to make our Money not worth the taking, by turning it into *Brass* by a kind of Anti-Philosopher's Stone; so these Men used us in the point of Preaching; first depressing it to their Power, and next labouring to

make



make it such, as the harm had not been much if it had been depressed: The most frequent Subjects even in the most sacred Auditories, being the *Fus divinum* of Bishops and Tythes, the Sacredness of the Clergy, the Sacrilege of *Impropriations*, the demolishing of *Puritanism* and Propriety, the Building of the Prerogative at Pauls, the introduction of such Doctrines, as admitting them true, the Truth would not recompence the Scandal; or such as were so far false, that as Sir Thomas Moore says of the *Casuits*, their Business was not to keep Men from Sinning, but to confirm them; *Quam prope ad peccatum sine peccato liceat accedere*: so it seemed their Work was to try how much of a *Papist* might be brought in without *Popery*; and to destroy as much as they could of the *Gospel*, without bringing themselves into danger of being destroyed by the *Law*.

Mr. Speaker, To go yet further, some of them have so industriously laboured to deduce themselves from *Rome*, that they have given great Suspicion that in gratitude they desire to *return* thither, or at least to meet it half Way: Some have evidently laboured to bring in an *English*, tho' not a *Roman Popery*: I mean not only the *outside*, and *dress* of it, but equally absolute, a blind dependance of the People upon the Clergy, and of the Clergy upon themselves; and have opposed the Papacy beyond the *Seas*, that they might settle *one beyond the Water*; Nay, common Fame is more than ordinarily false, if none of them have found a Way to reconcile the Opinions of *Rome* to the Preferments of *England*; and to be so absolutely, directly and cordially *Papists*, that it is all that Fifteen Hundred Pound a Year can do to keep them from confessing it.

Mr. Speaker, I come now to speak of our Liberties; and considering the great Interest these Men have had in our common Master, and considering how great a good to us they might have made that Interest in him, if they would have used it to have informed him of our general Sufferings; and considering how a little of their freedom of Speech at *White-Hall*, might have saved us a great deal of the use we have now of it in the *Parliament House*; their not doing this alone, were occasion enough for us to accuse them as the *Betrayers*, tho' not as the *Destroyers* of our Rights and Liberties; tho' I confess, if they had been only *silent* in this particular, I had been silent too. But alas! *They whose Ancestors in the darkest times excommunicated the breakers of Magna Charta, did now by themselves, and their Adherents, both write, preach, plot, and act against it*; by encouraging Dr. Beale, by preferring Dr. Manwaring, appearing forward for *Monopolies* and *Ship-money*: And if any were slow and backward to comply, blasting both them and their Preferment, with the utmost Expression of their hatred, the title of *Puritan*.

Mr. Speaker, We shall find some of them to have laboured to exclude, both all *Persons*, and all *Causes* of the Clergy, from the ordinary Jurisdiction of the *Temporal Magistrate*; and by hindring *Prohibitions* (first, by apparent Power against the Judges, and after by secret Arguments with them) to have taken away the only legal Bound to their Arbitrary Power, and made as it were a conquest upon the *Common-Law* of the Land, which is our common Inheritance; and after made use of that Power to turn their Brethren out of their *Freeholds*, for not doing that which *no Law of Man* required of them to do; and which (in their Opinions) the *Law of God* required of them not to do. We shall find them in general to have encouraged all the Clergy to Suits, and to have brought all Suits to the *Council-Table*; that having all Power in Ecclesiastical Matters, they laboured for equal Power in Temporal; and to dispose as well of every *Office*, as of every *Benefice*, which lost the Clergy much time, and much *Reverence*, (whereof the last is never given when it is so asked) by encouraging them indiscreetly to exact more of both than was due; so that indeed the *gain* of their greatness extended but to a few of that Order, tho' the *envy* extended upon all.

We shall find of them to have both kindled and blown the common Fire of both Nations, to have both sent and maintained *that Eook*, of which the Author no doubt hath long since wished with *Nero, utinam nescissem literas*; and of which more than one Kingdom hath Cause to wish, that when he writ that, he had rather *burned a Library, though of the value of Ptolemy's*. We shall find them to have been the first and principal Cause of the *Breach*, I will not say of, but since the *Pacification at Berwick*; we shall find them to have been the almost sole Abettors of my Lord *Strafford*, whilst he was practising upon another Kingdom that manner of Government which he intended to settle in *this*; where he committed so many mighty, and so *manifest* Enormities and Oppressions, as the like have not been committed by any Governor in any Government since *Verres left Sicily*; And after they had called him over from being Deputy of *Ireland*, to be in a manner Deputy of *England*, (all things here being governed by a *Junctillo*, and that *Junctillo* governed by him) to have assisted him in the giving such Councils,



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and the pursuing of such Courses, as it is a hard and measuring cast, Whether they were more *unwise*, more *unjust*, or more *unfortunate*, and which had infallibly been our destruction, if by the Grace of God their share had not been as small in the Subtilty of *Serpents*, as in the Innocency of *Doves*.

Mr. *Speaker*, I have represented no small Quantity, and no mean Degree of *Guilt*; and truly I believe that we shall make no little Compliment to those, and no little Apology for those to whom this Charge belongs, if we shall lay the Faults of these Men upon the *Order of the Bishops*, upon the *Episcopacy*. I wish we may distinguish between those who have been carried away with the *stream*, and those who have been the *stream* that carried them; between those whose proper and natural Motion was towards our Ruin and Destruction: and those who have been *whirl'd* about to it, contrary to their natural Motion, by the force and swing of *superior Orbs*; and as I wish we may distinguish between the more and less Guilty, so I yet more wish we may distinguish between the *Guilty* and the *Innocent*.

Mr. *Speaker*, I doubt, if we consider, that if not the first *Planters*, yet the first *Spreaders* of Christianity, and the first and chief Defenders of Christianity against Heresie within, and Paganism without, not only with their *Ink*, but with their *Blood*, and the main Conduces to the Resurrection of Christianity at least here in the Reformation; and that we owe the Light of the Gospel we now enjoy, to the Fire they endured for it, were all Bishops; and that even now in the greatest Defection of that *Order*, there are yet some who have conduced in nothing to our late Innovations, but in their *silence*; some who in an unexpected and mighty Place and Power have expressed an equal Moderation and Humility, being neither ambitious before, nor proud after, either of the *Crosiers Staff*, or *White Staff*; some who have been Learned Opposers of Popery, and Zealous Suppressors of *Arminianism*; between whom and their Inferior Clergy, in frequency of Preaching, hath been no distinction; whose Lives are untouch'd, not only by *guilt*, but by *malice*, scarce to be equalled by those of any Condition, or to be excelled by those in any *Calendar*; I doubt not, I say, but if we consider this, this Consideration will bring forth this Conclusion, That *Bishops may be good Men*; and let us give but good Men good Rules, we shall have both good Governors, and good Times.

Mr. *Speaker*, I am content to take away all those Things from them, which to any considerable Degree of Probability may again beget the like Mischiefs, if they be not taken away. If their Temporal Title, Power and Employment, appear likely to distract them from the care of, or make them look down with contempt upon their Spiritual Duty, and that the too great Distance between them and those they govern, will hinder the free and fit recourse of their Inferiors to them, and occasion Insolence from them to their Inferiors; let that be considered, and cared for. I am sure neither their *Lordships*, their judging of *Tythes*, *Wills* and *Marriages*, no nor their *Voices in Parliaments*, are *Jure divino*; and I am sure that these Titles, and this Power are not necessary to their Authority, as appears by the little they have had with us by them, and the much that others have had without them.

If their Revenue shall appear likely to produce the same Effects, for it hath been anciently observed, that *Religio peperet divitias & filia devoravit matrem*; let so much of that as was in all Probability intended for an attendant upon their Temporal Dignities, wait upon them out of the Doors: Let us only take care to leave them *such Proportions* as may serve in some good Degree to the Dignity of *Learning*, and the Encouragement of *Students*; and let us not invert that of *Jeroboam*, and as he made the *meanest* of the People *Priests*, make the highest of the *Priests* the *meanest* of the People. If it be feared that they will again employ some of our Laws with a Severity beyond the Intention of those Laws against some of their weaker Brethren; that we may be sure to take away that Power, let us take away those Laws, and let no *Ceremonies* which any number counts *unlawful*, and no Man counts *necessary*, against the Rules of Policy, and Saint Paul, be imposed upon them. Let us consider, That part of the Rule they have hitherto gone by, that is, such *Canons* of their own making, as are not confirmed by Parliament; have been, or, no doubt, shortly will be by Parliament taken away. That the other part of the Rule (such *Canons* as were here received before the Reformation, and not contrary to Law) is *too doubtful* to be a fit Rule, exacting an exact knowledge of the *Canon Law*, of the *Common Law*, of the *Statute Law*; Knowledges, which those who are thus to govern have not, and it is scarce fit they should have. Since therefore we are to make *new Rules*, and shall, no doubt, make those new Rules strict Rules, and be infallibly certain of Triennial Parliaments, to see those Rules observed as strictly as they are made, and to increase



or change them upon all Occasions, we shall have no reason to fear any Innovation from their Tyranny, or to doubt any Defect in the Discharge of their Duty. I am as confident they will not dare, either Ordain, Suspend, Silence, Excommunicate, or Deprive, otherwise than we would have them; and if this be believed, we shall not think it fit to abolish, upon a few Days Debate, an Order which hath lasted (as appears by Story) in most Churches these Sixteen Hundred Years, and in all from Christ to Calvin; or in an Instant change the whole Face of the Church like the Scene of a Mask.

Mr. Speaker, I do not believe them to be *Jure Divino*, nay I believe them not to be *Jure Divino*; but neither do I believe them to be *Injuriâ humanâ*; I neither consider them as necessary, nor as unlawful, but as convenient or inconvenient: But since all great Mutations in Government are dangerous (even where what is introduced by that Mutation, is such as would have been profitable upon a primary Foundation), and since the greatest Danger of Mutations is, that all the Dangers and Inconveniencies they may bring, are not to be foreseen; and since no wise Man will undergo great Danger but for great Necessity; my Opinion is, That we should not root up this Ancient Tree, as dead as it appears, till we have tryed whether by this, or the like lopping of the Branches, the Sap which was unable to feed the Whole, may not serve to make what is left both grow and flourish. And certainly if we may at once take away both the Inconveniencies of Bishops, and the Inconveniencies of no Bishops, that is an almost universal Mutation; this Course can only be opposed by those who love Mutation for Mutation sake.

Mr. Speaker, To be short, (as I have reason to be, after having been so long) this Tryal may be suddenly made: Let us commit as much of the Ministers Remonstrance as we have read, that those Heads, both of Abuses and Grievances, which are there fully collected, may be marshall'd and ordered for our Debate; if upon the Debate it shall appear, that those may be taken away, and yet the Order stand, we shall not need to commit the London Petition at all, for the Cause of it will be ended; if it shall appear that the Abolition of the one cannot be but by the Destruction of the other, then let us not commit the London Petition, but let us grant it.

Mr. Speaker,

I Was Yesterday, and the time before, for the retaining of the London Petition, and I am in the same Mind still, and therefore do now rise up against the Proposal of that Question, which is now called for; *Whether Episcopacy it self be to be taken into consideration by the Committee?* Wherein I do distinguish of a twofold Episcopacy: The first, in *statu puro*, as it was in the Primitive Times; the second in *statu corrupto*, as it is at this Day, and is so intended and meant in the London Petition: Now I hold, that Episcopacy in this latter Sense, is to be taken into consideration as a Thing that trencheth not only upon the Rights and Liberties of the Subject, of which I shall have occasion to speak hereafter: But as it is now, it trencheth upon the Crown of England in these Four Particulars, wherein I know this House will willingly hear me.

First, It is maintained by the Bishop of Exeter in a Book which he hath writ to this Purpose; That Episcopacy it self, both in the Office, and in the Jurisdiction, is *de Jure Divino*, of Divine Right; which Position is directly contrary to the Laws of England, in which I will cite but two or three instead of many more; the Statute of Carlisle, 35 E. 1. (mentioned in Cawdry's Case in the 5th Report) saith, That the Church of England is founded in the State of Prelacy by the Kings of England, and their Progenitors; which also appears in the First Chapter of Magna Charta, in these Words; *Concessimus Deo & Ecclesiæ Anglicanæ omnes Libertates, &c.* and in 25 E. 3. in the French Roll, which I have seen, there the Archbishop and Clergy petition the King for their Liberties in these Words, thus Englished; *That for the Reverence of God, and holy Church, and of his grace and bounty, he will confirm all those Liberties, Privileges and Rights granted and given by him, and his noble Progenitors to the Church by their Charters*; which plainly sheweth, That they have their Episcopal Jurisdiction from the Kings of England, and not *Jure Divino*, by Divine Right; and this likewise is acknowledged by themselves in the Statute 37 H. 8. cap. 17. That they have their Episcopal Jurisdiction, and all other Ecclesiastical Jurisdiction whatsoever, *solely*, and only by, from, and under the King.

The Second Thing that entrencheth upon the Crown is this; That it is holden at this Day, That Episcopacy is inseparable to the Crown of England; and therefore it is commonly now said, *No Bishop, no King; No Mitre, no Scepter*; which I utterly deny; for it is plain and apparent, that the Kings of England were long before Bishops, and have a Subsistence without them; and have done, and may still depose them.

The Third is likewise considerable, as trenching upon the Crown, which is what was said under the Gallery, That Episcopacy was a Third Estate in Parliament, and there-



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fore the King and Parliament could not be without them; this I utterly deny; for there are three Estates without them; as namely the King, who is the First Estate: The Lords Temporal, the Second; and the Commons the Third; and I know no Fourth Estate: Besides, the Kings of *England* have held many Parliaments, wherein there have been no Bishops at all: As for Example, *E. 1.* the 24th of his Reign, held his Parliament at *Edmundsbury, Excluse Clero*; and in the Parliament of *7 R. 2. cap. 3.* and *7 R. 2. cap. 12.* it doth appear that they were enacted by the King, with the Assent and Agreement of the Lords Temporal, and Commons, where the Estates of Parliament are mentioned, and not the Clergy. Divers other Statutes might likewise be named to this Purpose, which I omit.

The Fourth and Last Thing is, of the Bishops holding of the Ecclesiastical Courts in their own Names, and not in the Name of the King, nor by Commission from him; contrary to the Statute of *1 E. 6. cap. 2.* and contrary to the Practice of Bishop *Ridley, Coverdale* and *Ponnet*, who took Commission from the King for holding their Ecclesiastical Courts, as may be seen this Day in the Rolls.

And although it will be objected, that by a late Proclamation in 1637, wherein the Opinion of the Judges is mentioned, it is declared upon their Opinion, That the Act of *1 E. 6.* was repealed, and that Bishops may now keep Courts in their own Names, and send Process under their own Seals; yet it is well known, that the Statute of *1 Q. Mary*, which repealed the Statute of *1 E. 6.* was it self repealed by the Statute of *1 Jac. cap. 25.* whereupon it was holden upon a full Debate of this Point in Parliament *7 Jac.* which I have seen, That upon consideration of the Statutes of *1 Jac.* and *1. Eliz. cap. 1.* and *8 Eliz. cap. 1.* that the Statute of *1 E. 6.* was revived, and that Bishops ought not to keep Courts in their own Names: So that for these Reasons so nearly concerning the Right of the Crown of *England* in point of Episcopacy, I am against the Proposal of that Question, and am for the retaining of the *London Petition*, and for a thorough Reformation of all Abuses and Grievances of Episcopacy mentioned in the Ministers Remonstrance; which Reformation may perhaps serve the turn, without alteration of the Government of *England* into a Form of Presbytery, as it is in other Kingdoms of *Scotland, France, Geneva*, and the *Low-Countries*; which for mine own part, had I lived in these Kingdoms, I should have been of the Opinion of the Protestant Party in point of Presbytery, because those Kingdoms are governed by the Civil Law, which maintains the Jurisdiction of the Pope, and Papal Episcopacy, which the Ancient Laws of *England* condemn, being likewise in themselves opposite to the Civil and Canon Laws. And if notwithstanding all the Reformation that can be made by the Laws of this Land, a better Form of Government may evidently appear unto us, concerning which there is no Form now before us, it is to be taken by us into consideration, according to that Imperial Constitution in these Words; *In rebus novis constituendis evidens utilitas esse debet ut ab eo Jure recedatur, quod diu equum visum est.*

And so, Mr. Speaker, I shortly conclude, That for these Reasons, omitting divers more, the *London Petition* is to be retained.

Mr. Speaker,

I Have heard since I had the Honour to sit here, many Grievances presented; and truly, Sir, my Heart bleeds within me, when I think of them, especially those that concern Religion. But what should I speak of Grievances concerning Religion, when Religion it self is become a Grievance, nay, the very Nurse and Mother of all Grievances, all Scandals, all Reproaches.

*Tantum Religio potuit suadere malorum.*

Sir, not to trouble you with any long Discourse, if I have any sight, That Bark both of Church and State hath a long time floated betwixt *Scylla* and *Caribdis*; Popery on the one side, and I know not what to call it on the other; in many Respects both alike dangerous, unless the *Italian Proverb* may alter the Case, *God defend me from my reputed Friends, and I will defend my self from my profess'd Enemies.*

Sir, We are trusted by God, the King and the Country, with the managing of this Bark fraught with the Fortunes of Three Great Kingdoms: Now, should we so decline the former Rock, that we dash on the other side, I humbly offer it to this Honourable Assembly, Whether she might not have just Cause to say, She had changed her Pilot, rather than her Condition, and only shifted Places to find her Ruin: For, Sir, there is as much beyond Truth, as on this side it; and would we steer a right Course, we must be sure to keep the Channel, lest we fall from one Extream to another; from the Dotage of Superstition, to the Frenzy of Profaneness; from bowing to Idols, to worship the Calves of our own Imaginations.

Sir, I beseech you, consider what Libellous Pamphlets are now printed, what Sermons

Mr. Plydeli's  
Speech, Feb. 9.  
in favour of  
Episcopacy.



mons are preached ; not building Hay and Stubble, but utterly subverting the Foundations of Truth ; what Irreverence in Churches, what Profanation of God's Service, to the Scandal of Christianity, the Reproach of Religion, and the intolerable Grief of all good Men ; of which I may take up the Words of *Petrus de Aliaco* to the Council of *Constance* ; *Nisi Celeriter fiat Reformatio, audeo dicere quod licet magna sint quae videmus, tamen in brevi Incomparabilia majora videbimus, & post Ista tam horrenda majora alia Audiemus.*

Sir, I take God to Record, I am no Man's Advocate, no Man's Enemy, but a faithful Lover of Truth and Peace, and a dutiful Son of our distressed Mother, *the Church of England* ; in whose Behalf, and our own, my Motion shall shortly be this ; That the Minister's Petition, with so much of their Remonstrance as hath been read, may be committed ; and the rest of it, concerning Matter of Doctrine, may be referred to some Learned and approved Divines, who have spent their Time in that noble Study. For, give me leave to tell you, there is a *vulgus* among the Clergy, as among the Laity ; *Et in utroque nil modicum* ; And for these, and all Things which strike at the Root and Branch, as they please to call it ; I shall humbly move, That we rather consider how to satisfy the Petitioners, with some timely Declaration from both Houses of the Lawfulness and Conveniency of Episcopal Government, derived from the Apostles, and so long established in this Kingdom, than to venture upon any Alteration, the consequence whereof the wisest Man cannot foresee. And in truth, Sir, should we once begin (for my own part) I know not how, or where we should stay. Nevertheless, If any one doubt the Superiority of Bishops over Priests and Deacons in Ecclesiastical Government, or in Ordination, I shall be ready, whensoever this House shall command me, to make it good ; and I think, by as pregnant Testimonies as we are able to prove betwixt *Canonical* and *Apocryphal Scripture*, the Necessity of Infants Baptism, or that the Apostles were the Authors of their *own Creed* : But, Sir, I hope you will save your self, and me, that labour, and rather devise of some safe way to bind up the Churches Wounds, which (God knows) are too wide already, that so the Clergy and Laity being made Friends, and all reduced to the Model of our Ancestors since the Reformation, we may altogether preserve the Unity of the Spirit in the Bond of Peace ; and so his Majesty having graciously and prudently expressed himself, I am the more confident, we shall not only put an end to all Misintelligence betwixt Prince and People, but also highly advance the Protestant Cause, and give a deadly Blow to the See of *Rome*.

Sir, I humbly crave the Favour of the House, for God is my Witness, *Non potui aliter Liberare Animam meam.*

Mr. Speaker,

THESE two Honourable Lords, the Lord Digby, and Lord Faulkland, that spake last, have not only prevented me in much I intended to have spoken my self, but they have likewise taught me much I knew not before ; therefore it is not much you can expect from me : All that I shall say at this time, is rather to prepare the Matter for the Question, which hath been already so learnedly debated by them, than to speak any Thing of the Matter it self. I must confess, when I look upon the Bishops, or at least, upon some of them, and the way of their Government, and the Sufferings of the People under their Tyranny ; I wonder not at all at the Multitude of Petitioners and Petitions that have been in this Parliament preferred against them, and that they all cry out, *Crucify, crucify*, or that they would have them up by the *Roots* ; but it is necessary we should distinguish between the Persons of the Bishops, which are so obnoxious, and their Functions and Offices ; For there is no more weight in the Argument, that because the Bishops have done amiss, therefore take away Episcopacy ; than there is in it, because the Judges of the Common-Law are in Fault, therefore take away Judges, and take away the Common-Law. For, my own part, I conceive it an easier Matter, and safer for us (*Addere inventis*) to reform what is amiss in them and their Government, than (*Creare novum*) to set up a new Form of Government, which we have had no Experience of, nor do we know how it should suit, either with the Humours of the People, or with the Monarchical Government : And it may be the New Government, which is so much desired, if it be brought in upon the Grounds and Foundations that some would have it, it will be out of our Powers ever to master it again. Whereas, on the other side, in the Government which is already established, if the Governors exceed their Bounds they may fall into a *Premunire*, and other Penalties which the Law hath provided in that Case ; and if that be not sufficient, we have yet another hank upon them, for our Parliaments have continually a Command over them.

Then, Sir, it may be demanded of me, Things having been so much amiss, what it is that I would have done ? Truly,

16 Caroli.

Mr. Grimston's  
Speech, Feb. 9.



An. 1640.

Truly, Sir, I am of Opinion, that much must be done, or else we had as good do nothing: Therefore I come to the Particulars. Church-Government may be compared to a Castle: Let a Castle be never so strong, once in Fourscore Years (for so long it is since the first Reformation) it may need Repair; and it is not the Castle alone, I mean the Government, that needs Repair, but likewise the Governors themselves, who most Wickedly and Traiterously have turned their Canons upon us, which should have been used for our Defence.

In the first Place therefore, I conceive it not only convenient, but of absolute necessity, the paring off their Excrecences, I mean their Temporal Jurisdiction. I must confess, I know not to what purpose they should sit upon our Benches at our Sessions of the Peace and Goal Deliveries, or in the Star-Chamber: For by woful Experience we find that their Judgments are guided there more by their boundless Wills, and fiery transported Passions, than by Reason, and the Rule of Law, which ought to be their Director. I conceive, of less use is their sitting at the Council Board, to be there at the Helm to guide and steer the Temporal Affairs of the Commonwealth, certainly that is not the Plough they ought to follow; and by the neglecting of which, so many Briars, Brambles, and stinking Weeds, are sprung up in God's House, the Church, to the great distraction of all his Majesties Kingdoms here at home, and the great Wonder and Amazement of all the Reformed Churches abroad.

And I conceive it of the least use of all, their sitting in Parliaments, and giving their Voices in the making of Laws; and yet I would not utterly exclude them. For I conceive it might be convenient that all, or, at least, some of them might always be present there as Assistants, to give their Advice in Spiritual Matters, when they are thereunto required by the Lords, as the Justices do in Temporal Affairs.

In the next Place I conceive it of as absolute Necessity, the taking off the Jurisdiction of the High Commission Court, or at least, to limit and bound it, that it may (*quadrare*) with the great Charter of our Liberties, and the Laws of this Kingdom.

This Court hath for many Years together ridden upon the back of the Common-Law Courts, which ought to have been subservient to them. Each River must be kept within its own Bounds; and it is impossible to have two Suns shine together in one Firmament.

They have likewise many superfluous Courts, which I conceive may very well be spared; as their *Official Courts*, and *Commissary Courts*. Sir, They are no better than Cozening Lotteries, where the King's Subjects are deprived of their Monies, and where their Judges and Inferior Officers do like Physicians, that always cure themselves, tho they destroy their Patients. I confess I could willingly give my consent, that they should keep their Chancellor's Court, and their Archdeacon Court, if such Limits and Bounds were put upon them, as by the Wisdom of this House may be easily done.

The Chancellor is (*Custos Conscientie*) the Keeper of the Bishop's Conscience; the Archdeacon is (*Oculus Episcopi*) the Bishops Eye: And as I would not take away their Consciences, or their Eyes, so I would not have them like *Briareus*, have their Finger in every Business. Thus, Sir, I have shortly presented you with my Opinion; that is, That I am not willing that it should be referred, or committed upon the Point of Subversion, but I am willing it should be referred upon the Point of Reformation. And if the Sense of the House shall run that way, I doubt not but at the Committee I shall make it manifest, that my Heart stands affected with as much Zeal for having a Reformation, as any Man that sits within these Walls.

After all these Speeches, and a long Debate, the further Consideration thereof was referred to the Committee formerly appointed for the *London* Petition, and the Ministers Remonstrance, and some more Members were added to the Committee, *viz.*

Sir Henry Vane, Junior.

Mr. Hollis,

Mr. Palmer,

Sir Thomas Roe,

Mr. Holborn,

Mr. Fiennes.

A Petition from *Lancashire* read, and referred to the Committee for Scandalous Ministers.

Mr. Francis Nevill lately committed to the Tower for discovering the Secrets of the last Parliament, was, upon his Submission, discharg'd.

A Complaint being made by the Archbishop of *Armagh*, of a Scandalous Book, publish'd in his Name, pretended to be Directions to the Houses of Parliament, concerning the *Liturgy* and *Episcopal Government*; it was ordered to be suppressed.

There was also some Debate this Day in the House of Commons, about furnishing the King's Navy, upon Intelligence of great Forces that were levying by Neighbour Princes and States, but they came to no Resolve therein.

This

*Lancashire* Petition.

Mr. Nevill.

*Armagh*.



This Day His Majesty came to the House of Lords, and made the following SPEECH.

My Lords,

**T**hat Freedom and Confidence which I expressed at the beginning of this Parliament to have of your Love and Fidelity towards my Person and Estate, hath made me at this time come hither to acquaint you with the Alliance and Confederacy which I intend to make with the Prince of Orange and the States, which before this time I did not think expedient to do, because that part which I do desire your Advice and Assistance upon, was not ready to be treated on.

I will not trouble you with a long Digression, by shewing the steps of this Treaty, but leave you to be satisfied in that, by those who under me do manage that Affair; only I shall shew you the Reasons which have induced me to it, and in what I expect your Assistance and Counsel.

The Considerations that have induced me to it, are these:

First, The Matter of Religion; here needs no Dispensation; no fear that my Daughter's Conscience may be any Way perverted.

Secondly, I do esteem, that a strict Alliance and Confederacy with the States, will be as useful to this Kingdom, as that with any of my Neighbours; especially considering their Affinity, Neighbourhood, and Way of their Strength.

And Lastly (which I never must forget in these Occasions) the Use I may make of this Alliance towards the Establishing of my Sister and Nephews.

Now to shew you in what I desire your Assistance; you must know, that the Articles of Marriage are in a manner concluded; but not to be totally ratified, until that of Alliance be ended and agreed; which before I demanded your Advice, I did not think fit to enter upon: And that I may not leave you too much at large how to begin that Counsel, I present you here the Propositions which were offered to me by the States Ambassadors for that intent.

And so my Lords, I shall only desire you to make as much expedition in your Counsels as so great a Business shall require, and shall leave your Lordships to your own Free Debate.

The Propositions presented by the Heers Summerdike and Joachim, Ambassadors from the States-General to His Majesty, were these.

**T**O make Proof how much the States do reverence the Honour of his Majesty's Friendship, and do fear to be removed from it; they have given charge and full Power to present unto his Majesty the Choice of one of the Four Conditions which follow, according to the Convenience of Affairs.

1. Of a League Offensive and Defensive against the King of Spain, and his Adherents.
2. Of a Defensive; for Mutual Defence against all Assaults of Strangers by open War; perpetual, or for a Time.
3. Of a Reciprocal Promise only, not to assist in any manner the Enemies one of another.
4. Or finally, To agree upon a prefixed time to meet hereafter together; to the End, to advise of some Expedient and Means to serve England, and the United Provinces, against the Forces and Practices of their Enemies.

A Petition was read from Somersetshire, complaining of the Abuses of Deputy-Lieutenants, and concerning the rigorous Levying of Ship-money.

The House resolved into a Grand Committee to consider how to raise Money for the Northern Armies.

Thursday, Febr. 11. There being notice given to the House of Commons of a great Design on foot amongst the Papists in England, Ireland and Wales: That in Lancashire there were 1500, in Ireland 8000 Papists ready furnish'd with Arms; and many Thousands in South and North Wales, well paid and provided for; and that they used frequently to go to Mass in an insolent manner. And a Letter being brought into the House, as from Secretary Windebank, in the Queen's Name, to have all Roman-Catholics fast every Saturday for the prosperous Success of that Design; There were thereupon Four Gentlemen of the House of Commons sent up to communicate the same to the House of Lords. And an Order was made, That all Judges in their Circuits should effectually put the Laws in execution against Jesuits and Priests, and to make return of their Proceedings therein to the House.

A Motion was made to borrow 150000*l.* more of the City of London for the present Supply of both Armies.

Upon a Conference between both Houses concerning the 7th and 8th Articles of the Scots Demands (which were, That all Books, Libels and Proclamations against them be call'd in; That there be Thanksgivings in all Churches for the happy Conclusion of this Peace; And that all Forts and Ensigns of War be taken away between the Two Kingdoms.) The same were agreed and consented unto.

A Petition having been exhibited in the House of Lords against Dr. Pocklington, by Mr. Harvey, one of his Parishioners, accusing the said Doctor as a great Introducer of Superstitions, Innovations and Idolatry; and particularly of charging him with the Writing and Publishing Two Books, the one Intituled, *Altare Christianum*; The other, *Sunday no Sabbath*; Their Lordships having examined and considered thereof, the Doctor was now brought to the Bar of that House, where the Lord Keeper, by the Directions of the House, pronounced this Sentence upon him, — That he should never come within the Verge of his Majesty's Court: Be deprived of all his Ecclesiastical Livings and Preferments; be for ever disabled to hold any Place or Dignity in the Church or Commonwealth; And lastly, That his said Books be publickly burnt in the City of London, and the Two Universities, by the Hand of the Common Hangman.

16 Caroli.

The King's Speech to the Lords about the Match between the Lady Mary and the Prince of Orange, Feb. 10. 1640.

Propositions of the States of Holland to the King.

Rumours of Popish Designs.

Thanksgiving for the Peace with the Scots.

Dr. Pocklington censured.

Friday



An. 1640.

Judge Berkley Impeached.

Taken off the Bench.

Friday, Feb. 12. A Report being made by Mr. Hide, Chairman of the Committee for Judges, of the State and Nature of the Charge against Sir Rob. Berkley, one of the Judges of the King's Bench; The House proceeded to a Vote, That the said Sir Robert Berkley shall in the Name of all the Commons of England, be Impeached of High Treason, and other great Crimes and Misdemeanors.

And Sir John Culpeper was ordered to go up to the Lords, and Impeach him accordingly: And to desire, that he may be forthwith Committed: And to acquaint their Lordships, that in due time this House will resort to their Lordships with particular Articles against him.

Which being done, and it being now Term-time, and Judge Berkley sitting upon the King's Bench in Westminster-Hall, the Lords sent Mr. Maxwell the Usher of the Black Rod, to fetch him off the Bench, which he performed in the Face of the Court, Westminster-Hall being then full of People; and brought him away Prisoner; which was no small Amazement to the People, and all the other Courts, and others of his Profession. Being brought to the Bar of the Lords House, and acquainted with the Impeachment against him, he was committed to the Custody of the Elder Sheriff of London.

The Committee concerning Printing of Books, is Revived.

The Bill for Relief of the King's Army, and the Northern Parts of the Kingdom, with the Amendments, passed, and sent up to the Lords for their Concurrence.

Saturday, Feb. 13. A Bill was brought in for Abolishing Superstition and Idolatry, and for Advancing the Worship and Service of God, read twice, and Committed unto

|                       |                        |                         |                        |
|-----------------------|------------------------|-------------------------|------------------------|
| Sir Ro. Pye.          | Mr. Ask.               | Mr. Goodwin.            | Mr. Trenchard.         |
| Mr. Whitehead.        | Sir Edmund Mountfort.  | Sir Arthur Haslerig.    | Mr. Hollis.            |
| Mr. Cradock.          | Mr. Hussy.             | Mr. John Moore.         | Mr. Millington.        |
| Mr. Cary.             | Mr. Kirton.            | Mr. Noel.               | Mr. Pierpoint.         |
| Mr. William Lewis.    | Mr. Dutton.            | Mr. Cecil.              | Sir Simon d' Ewes.     |
| Mr. Cromwell.         | Mr. Potts.             | Mr. White.              | Sir John Culpeper.     |
| Sir Anthony Irby.     | Sir Guy Palmes.        | Sir Edmund Varney.      | Mr. Norton.            |
| Mr. Vaughan.          | Mr. Pym.               | Mr. Shuttleworth.       | Mr. Bury.              |
| Sir William Bowyer.   | Sir John Hotham.       | Alderman Pennington.    | Sir John Clotworthy.   |
| Mr. Halcher.          | Lord Faulkland.        | Mr. Hill.               | Sir Thomas Herle.      |
| Sir Christopher Wray. | Mr. Broxholm.          | Sir Richard Bullar.     | Sir Thomas Smith.      |
| Mr. Fiennes.          | Sir Gilbert Gerrard.   | Sir Roger North.        | Mr. Young.             |
| Lord Fairfax.         | Sir William Massam.    | Mr. Hamden.             | Sir William Litton.    |
| Sir Henry Mildmay.    | Sir Thomas Barrington. | Sir Thomas Widdrington. | Sir Nevil Pool.        |
| Lord Ruthyn.          | Sir Edward Deering.    | Mr. Hide.               | And all that will come |
| Mr. Selden.           | Sir Thomas Hutchinson. | Mr. Rouse.              | to have Voices at this |
| Sir Robert Harlow.    | Mr. Evelyn.            | Mr. Mallory.            | Committee.             |
| Mr. Wheeler.          | Mr. Perd.              | Sir Richard Lewson.     |                        |

Irish Army.

Feb. 13. It was this Day ordered in the House of Commons, That the Committee appointed to consider of the Disbanding of the New-Levied Irish Army, do now presently meet, to consider of the same; and also for the present Disarming of Papists in England; and for the removing of English Papists from the Court.

Lord Keeper.

Feb. 15. The House of Lords thought fit that a Proclamation do issue out to summon the Lord Finch, late Lord Keeper, personally to appear before the Lords in Parliament, to answer an Accusation of High Treason brought against him.

Message.

Ordered, That a Message be sent to the Lords, to move his Majesty for his Assent to the Bill for the Relief of the King's Army and the Northern Counties; and to the Bill for Triennial Parliaments; and that his Majesty would be pleased to pass them both together.

Act for Triennial Parliaments passed.

The Commons were sent for up to the House of Lords, where his Majesty passed the said Bill for Relief of the Northern Parts, and also the Bill for Triennial Parliaments: Upon which Occasion he made this following Speech to both Houses.

King's Speech  
Feb. 15. 40-1.

My Lords, and You the Knights, Citizens, and Burgeses of the House of Commons,  
YOU may remember, when both Houses were with me at the Banqueting-House at Whitehall, I did declare unto you Two Rocks I wished you to eschew; this is one of them, and of that Consequence, that I think never Bill passed here in this House, of more Favour to the Subjects, than this is; and if the other Rock be as happily passed over as this shall be at this time, I do not know what you can ask, for ought I can see at this time, that I can make any Question to yield unto: Therefore I mention this, to shew unto you the Sense that I have of this Bill, and the Obligation, as I may say, that you have to me for it: For hitherto, to speak freely, I have had no great Encouragement to do it: If I should look to the outward Face of your Actions or Proceedings, and not look to the inward Intentions of your Hearts, I might make Question of doing it.

Hitherto you have gone on in that which concerns your selves to amend, and not in those things that nearly concerns the Strength of this Kingdom, neither for the State, nor my own particular.

This I mention, not to Reproach you, but to shew you the State of Things as they are: You have taken the Government all in Pieces, and I may say it is almost off the Hinges.

A Skilful Watchmaker, to make clean his Watch, will take it asunder; and when it is put together, it will go the better, so that he leave not out one Pin of it. Now as I have done all this on my part, you know what to do on yours; and I hope you shall see clearly, That I have performed really what I expressed to you at the Beginning of this Parliament, of the great Trust I have in your Affections to me: For this is the greatest Expression of Trust, That before you do any thing for me, I do put such a Confidence in you.



The Acts this Day passed, were

1. An Act for the Relief of his Majesty's Army, and the *Northern* Parts ; being a Grant of Four entire Subsidies.
2. An Act for holding Triennial Parliaments, which was as followeth.

16 *Caroli.*

An Act for the Preventing of Inconveniencies happening by the Long Intermision of Parliaments.

**W**hereas by the Laws and Statutes of this Realm, the Parliament ought to be holden at least once every year, for the Redress of Grievances, but the appointment of the time and place for the holding thereof, hath always belonged, as it ought, to his Majesty and his Royal Progenitors. And whereas it is by Experience found, that the not holding of Parliaments accordingly, hath produced sundry and great Mischiefs and Inconveniencies to the King's Majesty, the Church and Commonwealth ; for the prevention of the like Mischiefs and Inconveniencies in time to come :

The Act for  
Triennial  
Parliaments  
passed, Feb. 15.  
1640-41.

Be it Enacted by the King's most Excellent Majesty, with the Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, That the said Laws and Statutes be from henceforth duly kept and observed ; And your Majesty's Loyal and obedient Subjects, in this present Parliament now assembled, do humbly pray, that it be Enacted : And be it Enacted accordingly, by the Authority of this present Parliament, That in case there be not a Parliament summoned by Writ under the Great Seal of England, and assembled and held before the 10th of September, which shall be in the Third Year, next after the last day of the last Meeting and Sitting in this present Parliament, the beginning of the first Year to be accounted from the said last day of the last Meeting and Sitting in Parliament, and so from time to time, and in all times hereafter ; If there shall not be a Parliament assembled and held before the 10th day of September, which shall be in the Third Year next after the last day of the last Meeting and Sitting in Parliament before the time assembled and held ; the beginning of the first Year to be accounted from the said last day of the last Meeting and Sitting in Parliament ; That then in every such Case as aforesaid, the Parliament shall assemble, and be held in the usual place at Westminster, in such manner, and by such means only, as is hereafter in this present Act Declared and Enacted, and not otherwise, on the second Monday, which shall be in the Month of November, then next ensuing. And in case this present Parliament now assembled and held, or any other Parliament which shall at any time hereafter be assembled, and held by Writ, under the Great Seal of England, or in case any Parliament shall be assembled and held by Authority of this present Act ; And such Parliaments, or any of them, shall be Prorogued, or Adjourned, or continued by Prorogation or Adjournment, until the 10th day of September, which shall be in the Third Year next after the last day of the last Meeting and Sitting in Parliament, to be accounted as aforesaid ; that then in every such Case, every such Parliament so Prorogued or Adjourned, or so continued by Prorogation or Adjournment, as aforesaid, shall from the said 10th day of September be thenceforth clearly and absolutely dissolved, and



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the Lord Chancellor of England, the Lord Keeper of the Great Seal of England, and every Commissioner and Commissioners for the keeping of the Great Seal of England, for the time being, shall within six days after the said 10th day of September, in every such Third Year as aforesaid, in due form of Law, and without any further Warrant or Direction from His Majesty, His Heirs or Successors, seal, issue forth, and send abroad several and respective Writs to the several and respective Peers of this Realm, commanding every such Peer, that he personally be at the Parliament to be held at Westminster, on the Second Monday, which shall be in November next following the said 10th day of September, then and there to treat concerning the high and urgent Affairs concerning His Majesty, the State and Defence of the Kingdom, and Church of England; and shall also Seal and issue forth, and send abroad several and respective Writs to the several and respective Sheriffs of the several and respective Counties, Cities and Boroughs of England and Wales, and to the Constable of the Castle of Dover, Lord Warden of the Cinque Ports, or his Lieutenant for the time being, and to the Mayor and Bayliffs of Berwick upon Tweed, and to all and every other Officers and Persons, to whom Writs have used to be directed, for the electing of the Knights, Citizens, Barons and Burgeses of, and for the said Counties, Cities, Cinque Ports and Boroughs of England and Wales respectively, in the accustomed form, to appear and serve in the Parliament to be held at Westminster on the said Second Monday, which shall be in November aforesaid; which said Peers, after the said Writs received and which said Knights, Citizens, Barons and Burgeses chosen by virtue of the said Writs, shall then and there appear and serve in Parliament accordingly. And the said Lord Chancellor, Lord Keeper, Commissioner and Commissioners aforesaid, shall respectively take a solemn Oath upon the Holy Evangelists, for the due issuing of Writs, according to the tenor of this Act; in hæc verba:

You shall swear, That you shall truly and faithfully issue forth, and send abroad all Writs of Summons to Parliament for both Houses, at such time, and in such manner, as is expressed and enjoined by an Act of Parliament, Entituled, *An Act for the preventing of Inconveniences happening by the Long Intermision of Parliaments.*

Which Oath is forthwith to be taken by the present Lord Keeper, and to be administered by the Clerk of the Crown to every Lord Chancellor, Lord Keeper, Commissioner and Commissioners aforesaid; and that none of the said Officers respectively shall henceforth execute any the said Offices, before they have taken the said Oath. And if the said Lord Chancellor, Lord Keeper, or any of the said Commissioners, shall fail, or forbear so to issue out the said Writs, according to the true meaning of this Act, then he or they respectively shall, beside the incurring of the grievous sin of Perjury, be disabled, and become, by virtue of this Act, incapable, ipso facto, to bear his, and their said Offices respectively; and be further liable to such Punishments as shall be Inflicted upon him, or them, by the next, or any other ensuing Parliament. And in case the said Lord Chancellor, Lord Keeper, Commissioner, or Commissioners aforesaid, shall not issue forth the said Writs as aforesaid: Or  
in



in case that the parliament do not Assemble, and be held at the time and place before appointed, Then the Parliament shall Assemble and be held in the usual place at Westminster, in such manner, and by such means only, as is hereafter in this present Act Declared and Enacted, and not otherwise, on the Third Monday, which shall be in the Month of January, then next ensuing. And the Peers of this Realm shall by virtue of this Act be Enabled, and are Enjoyned to Meet in the Old Palace of Westminster, in the usual place there, on the Third Monday in the said Month of November: And they or any Twelve or more of them, then and there Assembled, shall on, or before the Last Monday of November next following the Tenth day of September aforesaid, by virtue of this Act, without other Warrant, issue out Writs in the usual form, in the Name of the King's Majesty, his Heirs, or Successors, attested under the Hands and Seals of Twelve or more of the said Peers, to the several and respective Sheriffs of the several and respective Counties, Cities, and Burroughs of England and Wales; and to the Constable of the Castle of Dover; Lord Warden of the Cinque-Ports, or his Lieutenant for the time being; and to the Mayor and Bailiffs of Berwick upon Tweed; and to all and every other the said Officers and Persons, to whom Writs have been used to be directed, for the electing of the Knights, Citizens, Barons and Burgesses, of and for the said Counties, Cities, Cinque-Ports and Burroughs, to be and appear at the Parliament at Westminster aforesaid, to be held on the Third Monday in January then next following: All and every which Writs, the Clerks of the Petty-bag, and other Clerks, to whom the Writing of the Writs for Summons to the Parliament, doth and shall belong, or whom the said Lords, or Twelve or more of them shall appoint; shall at the Command of the said Lords so Assembled, or of any Twelve or more of them, make and prepare ready for the Signature of the said Lords, or any 12 or more of them, under pain of the loss of their Places and Offices, and of such other Punishment as in the next, or any other ensuing Parliament, shall be Inflicted on him or them: And it is Enacted, That the said Writs so issued, shall be of the same Power and Force to all Intents and Purposes, as the Writs or Summons to Parliament under the Great Seal of England, have ever been or ought to be. And all the Messengers of the Chamber or others, who shall be appointed by the said Lords, or any Twelve or more, are hereby required faithfully and speedily to deliver the said Writs to every Person and Persons, Sheriffs, Officers and others, to whom the same shall be directed: Which if the said Messengers, or any of them shall fail to perform, they shall forfeit their respective places, and incur such other pains and punishments, as by that or any other ensuing Parliament shall be imposed on them.

And it is also further Enacted, That all and every the Peers of this Realm shall make their appearance, and shall assemble on the said third Monday in January, in such manner, and to such effect, and with such power, as if they had received every of them Writs of Summons to Parliament under the Great Seal of England, in the usual and accustomed manner. And in case the said Lords, or twelve, or more of them, shall fail to issue forth



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such Writs, or that the said Writs do not come to the said several Counties, Cities, Cinque-Ports and Boroughs, so that an Election be not thereupon made; And in case there be not a Parliament assembled, and held before the 23d day of the said Month of January, and so from time to time, and in all times hereafter, if there shall not be a Parliament assembled, and held before the said 23d day of January, then in every such Case as aforesaid the Parliament shall assemble, and be held in the usual place at Westminster, in such manner, and by such means only, as is hereafter in this present Act declared and enacted, and not otherwise, on the 2d Tuesday, which shall be in the Month of March next after the said 23d day of Jan. At which Parliament the Peers of this Realm shall make their appearance, and shall assemble at the time and place aforesaid, and shall each of them be liable unto such pains and censures for his and their not appearing, and serving then and there in Parliament, as if he or they had been summoned by Writ under the Great Seal of England, and had not appeared and served, and to such further pains and censures, as by the rest of the Peers in Parliament assembled, they shall be adjudged unto.

And for the better assembling of the Knights, Citizens, Barons and Burgeses to the said Parliament, as aforesaid; It is further Enacted, That the several and respective Sheriffs of the several and respective Counties, Cities and Boroughs of England and Wales, and the Chancellor, Masters and Scholars of both and every of the Universities, and the Mayor and Bayliffs of the Borough of Berwick upon Tweed, shall at the several Courts and Places to be held and appointed for their respective Counties, Universities, Cities and Boroughs, next after the said 23d day of January, cause such Knight and Knights, Citizen and Citizens, Burgeses and Burgeses of their said Counties, Universities, Cities and Boroughs, respectively, to be chosen by such persons, and in such manner, as if several and respective Writs of Summons to Parliament, under the Great Seal of England, had issued, and been awarded. And in case any of the several Sheriffs, or the Chancellors, Master and Scholars of either of the Universities, or the Mayor and Bayliffs of Berwick respectively, do not before 10 of the Clock in the forenoon of the same day, wherein the several and respective Courts and Places shall be held or appointed for their several and respective Counties, Universities, Cities and Boroughs as aforesaid, begin and proceed on according to the meaning of this Law, in causing Elections to be made of such Knight and Knights, Citizen and Citizens, Burgeses and Burgeses, of their said Counties, Universities, Cities and Boroughs as aforesaid, then the Freeholders of each County, and the Masters and Scholars of every the Universities, and the Citizens and others, having Voices in such Election respectively, in each University, City and Borough, that shall be assembled at the said Courts or Places to be held, or appointed, as aforesaid, shall forthwith, without further Warrant, or Direction, proceed to the Election of such Knight, or Knights, Citizen or Citizens, Burgeses or Burgeses aforesaid, in such manner as is usual in case of Writs of Summons issued and awarded.

And it is further Enacted, That the several and respective

Sheriffs



Sheriffs of their severall and respective Counties, and the Constables of the Castle of Dover, and Lord Warden of the Cinque-Ports, or his Lieutenant for the time being respectively, shall after the said 23d day of January, and before the 8th day of February then immediately next ensuing, award and send forth their Precepts to the severall and respective Cities and Boroughs, within their severall Counties, and likewise unto the said Cinque-ports respectively, commanding them respectively to make choice of such Citizen and Citizens, Barons, Burgeses, and Burgesses, to serve in the said Parliament, at the time and place aforesaid: which said Cities, Cinque-Ports and Boroughs respectively, shall before the last day of the said Month of Febr. make Election of such Citizen and Citizens, Barons, Burgeses, and Burgesses, as if Writs for summoning of a Parliament, under the Great Seal of England, had issued and been awarded. And in case no such Precept shall come unto the said Cities, Cinque-ports and Boroughs respectively, by the time herein limited: or in case any Precept shall come, and no Election be made thereupon, before the said last day of Febr. That then the severall Citizens, Burgeses, and other Persons, that ought to Elect and send Citizens, Barons and Burgesses to the Parliament, shall on the first Tuesday in March, then next ensuing the said last day of February, make choice of such Citizen and Citizens, Barons, Burgeses and Burgesses, as if any Writ of Summons under the Great Seal of England had issued and been awarded, and Precepts thereupon issued, to such Cities, Cinque-Ports and Boroughs: which Knights, Citizens, Barons and Burgesses so chosen, shall appear and serve in Parliament at the time and place aforesaid, and shall each of them be liable unto such pains and censures, for his and their not appearing and serving then and there in Parliament, as if he or they had been elected and chosen by vertue of a Writ under the Great Seal of England, and shall be likewise subject unto such further pains and censures for his and their not appearing and serving then and there in Parliament, as if he or they had been elected and chosen by vertue of a Writ under the Great Seal of England, and shall be likewise subject to such further pains and censures, as by the rest of the Knights, Citizens and Burgesses assembled in the Commons House of Parliament, he or they shall be adjudged unto. And the Sheriffs and other Officers and persons, to whom it appertaineth, shall make Returns, and accept and receive the Returns of such Elections in like manner, as if Writs of Summons had issued, and been executed, as hath been used and accustomed: And in default of the Sheriffs and other Officers respectively, in not accepting or making return of such Elections, It shall and may be lawful, to and for the severall Freeholders, and other persons that have elected, to make returns of the Knights, Citizens, Barons and Burgesses by them elected, which shall be as good and effectual to all intents and purposes, as if the Sheriff or other Officers, had received a Writ of Summons for a Parliament, and had made such Returns. And that such Elections, Precepts and Returns shall be had and made at such times, by such persons, and in such manner, as before in this Act is expressed and declared, according to the true intent and meaning of this Law; any Writ, Procla-

mation;



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mation, Edict, Act, Restraint, Inhibition, Order or Warrant to the contrary in any wise notwithstanding. And in case any person or persons, shall be so hardy to advise, frame, contrive, serve or put in execution any such Writs, Proclamation, Edict, Act, Restraint, Inhibition, Order or Warrant thereupon, then he or they so offending, shall incur and sustain the pains, penalties and forfeitures limited, ordained and provided, in, and by the Statute of Prohibition and Premunire, made in the 16th year of King Richard the 2d, and shall from thenceforth be disabled, during his life, to sue and implead any person in any Action real or personal, or to make any gift, grant, conveyance, or other disposition of any his Lands, Tenements, Hereditaments, Goods or Chattels, which he hath to his own use, either by Act executed in his Life-time, or by his Last Will, or otherwise, or to take any Gift, Conveyance, or Legacy to his own Use. And if any Sheriff, Constable of the Castle of Dover, or Lord Warden of the Cinque-ports, shall not perform his duty enjoined by this Act, then he shall lose and forfeit the sum of 1000 l. and every County, City, Cinque-port and Borough that shall not make Election of their Knights, Citizens, Barons and Burgeses, respectively, shall incur the penalties following (that is to say) every County the sum of 1000 l. and every City, which is no County, 200 l. and every Cinque-port and Borough the sum of 100 l. All and every of which several forfeitures, and all other forfeitures in this Act mentioned, shall and may be recovered in any of the King's Courts of Record at Westminster, without naming the Christian Name and Surname of the said Mayor for the time being, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection, Wager of Law, Aid-Prayer, Privilege, Injunction or order of Restraint, shall be in any wise prayed, granted, or allowed, nor any more than one Imparllance. And if any person after notice given, that the Action depending is grounded and prosecuted upon, or by virtue of this Statute, shall cause or procure any such Action to be stayed or delayed before Judgment, by colour or means of any Order, Warrant, Power, or Authority, save only of the Court, wherein such Action as aforesaid shall be brought or depending, or after Judgment had upon such Action, shall cause or procure the Execution of, or upon any such Judgment, to be stayed or delayed, by colour or means of any Order, Warrant, Power or Authority, save only by Writ of Error or attainr that then the said persons so offending, shall incur and sustain all and every the pains, penalties and forfeitures, limited, ordained and provided, in, and by the said Statute of Prohibition and Premunire, made in the 16th of R. Richard the 2d. And if any Lord Mayor of London shall at any time hereafter commence or prefer any such Suit, Action or Information, and shall happen to die, or be removed out of his Office, before Recovery and Execution had, that yet no such Action, Suit or Information, sued, commenced or preferred, shall by such displacing or death, be abated, discontinued or ended, but that it shall and may be lawful so, and for the Lord Mayor of the City of London, next succeeding in that Office and Place, to prosecute, pursue and follow all and every such Action, Bill, Plaint or Information for the Causes aforesaid, so hanging and depending,

in



in such manner and form, and to all Intents and Purposes, as that Lord Mayor might have done, which first commenced or preferred the same. The fifth part of all and every the Forfeitures in this Act mentioned, shall go and be, to, and for the use and behoof of the City of London, and the other four Parts and residue to be employed and disposed to, and for such only uses, intents and purposes, as by the Knights, Citizens and Burgeses in Parliament assembled, shall be declared, directed and appointed.

16 Caroli.

Provided, That in case the Freeholders of any County, and Inhabitants, or other Persons having or claiming Power to make Election of any Knights, Citizens, Barons or Burgeses, shall proceed to making of Election of their Knights, Citizens, Barons and Burgeses, which Election shall afterwards fall out to be adjudged or declared void in Law by the House of Commons, by reason of equality of Voices, or misdemeanor of any Person whatsoever, then the said County, City, Cinque-port or Borough, shall not incur the Penalties in this Law, so as an Election de facto be made.

And it is further enacted, That no Parliament henceforth to be assembled, shall be dissolved or prorogued within Fifty days at the least after the time appointed for the meeting thereof, unless it be by Assent of his Majesty, his Heirs or Successors, and of both Houses in Parliament assembled: And that neither the House of Peers, nor the House of Commons, shall be adjourned within Fifty days at least, after the meeting thereof, unless it be by the free Consent of every the said Houses respectively.

And be it further Enacted and Declared by Authority of this present Parliament, That the Peers to be assembled at any Parliament, by vertue of this Act, shall and may from time to time, at any time during such their Assembly in Parliament, chuse and declare such Person to be Speaker for the said Peers, as they shall think fit. And likewise that the said Knights, Citizens and Burgeses, to be assembled at any Parliament, by vertue of this Act, shall and may from time to time, at any time during such their assembling in Parliament, chuse and declare one of themselves to be Speaker, for the said Knights, Citizens and Burgeses of the House of Commons assembled in the said Parliament, as they shall think fit; which said Speakers, and every of them, as well for the said Peers, as for the said House of Commons respectively, shall, by vertue of this Act, be perfect and compleat Speakers for the said Houses respectively, and shall have as full and large Power, Jurisdiction and Privileges, to all intents and purposes, as any Speaker or Speakers of either of the said Houses respectively, heretofore have had or enjoyed.

And it is further Enacted and Declared, That all Parliaments hereafter to be assembled by Authority of this Act, and every Member thereof, shall have and enjoy all Rights, Privileges, Jurisdicions and Immunities, as any Parliament summoned by Writ under the Great Seal of England, or any Member thereof, might or ought to have: And all and every the Members that shall be Elected and Chosen, to serve in any Parliament hereafter to be assembled by Authority of this Act, as aforesaid, shall assemble and meet in the Commons House of Parliament,



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ment, and shall enter into the same, and have Voices in such Parliament, before, and without the taking of the several Oaths of Supremacy and Allegiance, or either of them, any Law or Statute to the contrary thereof in any wise notwithstanding.

Provided always, That if the King's Majesty, his Heirs or Successors, shall at any time, during any Parliament hereafter to be assembled by authority of this Act, as aforesaid, award or direct any Commission or Commissions unto any person or persons whatsoever, thereby giving power and authority to him or them, to take and receive the Oath of Supremacy and Allegiance, of all or any the Members of the Commons House of Parliament, and any the Members of that House being duly required thereunto, shall refuse or neglect to take and pronounce the same, that from thenceforth such person so refusing, or neglecting, shall be deemed no Member of that House, nor shall have any Voice therein, and shall suffer such Pains and Penalties, as if he had presumed to sit in the same House without Election, Return or Authority. And it is likewise provided and Enacted, That this Statute shall be publicly Read Yearly, at every General Sessions of the Peace, to be held next after the Epiphany, and every Assizes then next ensuing, by the Clerk of the Peace, and Clerk of the Assizes for the time being respectively. And if they or either of them shall neglect or fail to do the same accordingly, then such Party so neglecting or failing, shall forfeit the Sum of One Hundred Pounds. And it is lastly Provided and Enacted, That His Majesty's Royal Assent to this Bill shall not thereby determine this present Session of Parliament; and that all Statutes and Acts of Parliament which are to have Continuance unto the end of this present Session, shall be of full force after his Majesty's Assent, until this present Session be fully ended and determined: And if this present Session shall determine by Dissolution of this present Parliament, then all the Acts and Statutes aforesaid shall be continued until the end of the first Session of the next Parliament.

Thanks of  
both Houses  
to the King.

Upon his Majesty's passing this Bill for Triennial Parliaments, both Houses were exceeding full of Joy, and agreed to join in waiting upon the King, in the returning their humble Thanks for the same; and his Majesty appointed the *Banqueting-house* at *Whitehall* to be the place for both Houses to meet to return their Thanks unto him: which was performed by the Mouth of the Lord-Keeper in the name of both Houses; and Bonfires were made that Night, and the Bells rung for joy.

February 16.

Several Petitions were this Day presented to the House from divers Counties against Bishops, and Innovations in the Church, which were received, read and committed; as likewise a Petition from *Wales*, expressing that there were but 13 Preaching Ministers in all that Principality.

February 17.  
Impeach-  
ment.

The Commons this Day took into Consideration the Right of the Commons of *England*, as to their Proceedings upon Impeachment against the Earl of *Strafford*, and what concerns the Kingdom in general in the Legality of those Proceedings, and to consider what is fit for the Commons to claim in Case of an Impeachment.

February 18.  
Report from  
the Commit-  
tee against  
the Earl Mar-  
shal's Court.

Mr. *Hide* Reports, That the Constables, and the Earl Marshal's Court, have no Jurisdiction to hold Plea of Words. 2. That the Earl-Marshall can make no Court without the Constable. 3. That the Earl-Marshall's Court is a Grievance; which Opinion of the Committee was this day confirmed by Vote of the House; and Power was given to the Committee to consider who they are that were guilty of this Grievance by the Earl-Marshall's Court, and to consider of some fit Way for Reparation to be made to the Party grieved.

Divers



Divers other Petitions were this Day presented to the House from remote Counties against Bishops, Innovations, Ceremonies, &c. and ordered to be committed.

16 Caroli

Feb. 19.

Upon Report this Day made to the House from the Committee of the whole House, it was resolved, That two Subsidies more (to the other Four) should be granted for the Maintenance of the King's Army, and Supply of the *Northern* Parts.

Saturday,

Feb. 20.

Two more  
Subsidies.

A Committee was this Day appointed to consider of the manner of transmitting of the Business of *St. Gregory's* to the Lords; and also of the Business concerning *Mr. Smart*.

St. Gregory's.

This Day *Sir Francis Seymour*, a Member of the House of Commons, was introduced into the Lords House, by Virtue of his Majesty's Writ, and took his place as a Baron in that House.

*Mr. Rigby* Reports from the Committee for High Commission and *Star-Chamber* Court, the Case of Doctor *Bastwick*: Whereupon it was Resolved, That the Precept made by the Archbishop of *Canterbury* and others, High Commissioners for Causes Ecclesiastical within the Realm of *England*, for the apprehending of the Body of Doctor *Bastwick*; and in searching for and seizing his Books; and the Messengers Actings thereupon in searching Doctor *Bastwick's* House, and seizing his Books and Papers, are against Law and the Liberty of the Subject.

Feb. 22.

Votes touch-  
ing Dr. *Bast-*  
*wick*.

*Resolved, &c.*

That the Sentence given against Doctor *Bastwick* by the High Commissioners, and the Proceedings whereupon that Sentence is grounded, and the Execution of that Sentence, are against Law; and that the Sentence is void, and that Doctor *Bastwick* ought to be restored to the Exercise and Practice of Physick, and to have Reparation and Recompence for his Damage and Loss sustained by the said Sentence and Execution.

*Resolved, &c.*

That all those several Commissioners of the High-Commission Court which voted against Doctor *Bastwick* in the Sentence pronounced against him, ought to give satisfaction to Doctor *Bastwick*.

The House afterwards reassumed the Debate concerning Doctor *Bastwick*: Whereupon it was further

*Resolved, &c.*

That the Proceedings against Doctor *Bastwick*, against the Law and the Liberty of the Subject, as also the Sentence against him, ought to be reversed, the Fine of 1000 *l.* discharged, and he to have Reparation for his Losses and Sufferings.

*Resolved, &c.*

That the Orders and Warrants from the Council-Board for Doctor *Bastwick's* Exile, and transferring from the Castle of *Lanceston* to the Isle of *Scilly*, and his Imprisonment there, are against the Law and Liberty of the Subject, and that he ought to have Reparation for his Losses and Damages sustained by those Orders, and that Imprisonment.



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Present at the Sentence in the *Star-Chamber*, these Lords and Privy-Counsellors following:

The Lord Keeper.  
Duke of *Lenox*.  
Earl of *Pembroke*.  
Earl of *Holland*.  
Lord *Cottington*.  
Sir *Thomas Germin*.  
Lord Treasurer.  
Marquiss *Hamilton*.  
Earl of *Dorset*.

Earl *Moreton*.  
Lord *Newbourgh*.  
Mr. Secretary *Coke*.  
Lord Privy-Seal.  
Earl of *Arundel* and *Surrey*.  
Earl of *Bridgewater*.  
Viscount *Wimbleton*.  
Sir *Henry Vane*.  
Mr. Secretary *Windebank*.

At the Court at *Oatlands*, August 27. 1637.

Present the King's Most Excellent Majesty.

|                                        |                                  |
|----------------------------------------|----------------------------------|
| Lord Archbishop of <i>Canterbury</i> . | Earl of <i>Dorset</i> .          |
| Lord Keeper.                           | Earl of <i>Holland</i> .         |
| Lord Treasurer.                        | Viscount <i>Wimbleton</i> .      |
| Duke of <i>Lenox</i> .                 | Mr. Comptroller.                 |
| Marquiss <i>Hamilton</i> .             | Mr. Secretary <i>Coke</i> .      |
| Earl Marshal.                          | Mr. Secretary <i>Windebank</i> . |

These Lords and Privy-Counsellors last mentioned, were present at the making the Orders for banishing Doctor *Bastwick*, Mr. *Burton*, and Mr. *Prinn* into the several Islands.

Archbishop of  
*Canterbury*.

Ordered, That to-morrow Morning the Report concerning the Articles against the Lord Archbishop of *Canterbury* be first read, if it be ready. — But being not ready, they came not in till the 24th.

Feb. 23.

A Lawful Mi-  
nister may  
preach as of-  
ten as he plea-  
seth.  
Papists.

A Petition was this Day read from the Inhabitants of *St. Peter's* in *Norwich*, complaining, That Mr. *Corbet* was inhibited by the Bishop of that Diocese to preach in his own Parish-Church; which the House declared to be an Illegal Inhibition; and proceeded further to Vote, That every Minister that is lawfully admitted, instituted, and inducted, may preach in his own Parish Church so often as he pleaseth.

The Lords this Day desired a Conference with the Commons concerning the disbanding of the *Irish* Army, disarming of Recusants, and removing Papists from Court.

Feb. 24.  
Customs.

A Committee was this Day appointed to take into Consideration the whole Matter of the Customs and Customers, Farmers, Receivers, and Collectors of the Imposition of Tonnage and Poundage since the last Year of King *James*, and of their Advancement and Abuses.

Archbishop of  
*Canterbury*.

The Articles against the Archbishop of *Canterbury*, twice read, all severally voted and agreed upon, and ordered to be ingrossed.

Feb. 26.

In pursuance of the former Votes of both Houses about Ship-Money, this ensuing Order was made by the Lords

Die Veneris 26. Die Febr. 1640.

Order of the  
Lords to va-  
cate the Re-  
cords about  
Ship-Money.

UPON the Report of the Right Honourable the Lords Committees, appointed to consider of the way of vacating of the Judgment in the *Exchequer*, concerning Ship-Money; it is ordered by the Lords Spi-

ritual



ritual and Temporal, in the High Court of Parliament assembled, That the Lord-Keeper, or the Master of the Rolls, the two Lord Chief Justices, and the Lord Chief Baron; and likewise the Chief Clerk of the *Star-Chamber*, shall bring into the Upper House of Parliament, the Record in the *Exchequer* of the Judgment in Mr. *Hambden's* Case, concerning Ship-money; and also the several Rolls in each several Court of the *King's-Bench*, *Common-Pleas*, *Exchequer*, *Star-chamber*, and *Chancery*: wherein the Judges extrajudicial Opinions in the Cases made touching Ship-money be entered; and that a *Vacat* shall be made in the Upper House of Parliament of the said several Records: And likewise the Judgment of Parliament, touching the Illegality of the said Judgments in the *Exchequer*, and the Proceedings thereupon, and touching the Illegality of the Extrajudicial Opinions of the Judges in the said several Courts concerning Ship money, be annexed and apottilled unto the same. And that a Copy of the Judgment of Parliament, concerning the Illegality of the said Judgment in the *Exchequer*, under the said Extrajudicial Opinions of the said Judges concerning Ship-Money, be delivered to the several Judges of Assize; and that they be required to publish the same at the Assizes in each several County within their Circuits, and to take care that the same be entered and enrolled by the several Clerks of Assizes: And if any Entry be made by any *Custos Rotulorum*, or Clerk of Assize of the said Judgment in the *Exchequer*, or of the said Extrajudicial Opinions of the Judges, that several *Vacats* be made thereof *per Judicium in Parlamento*, by Judgment in Parliament; and that an Act of Parliament be prepared against the said Judgment and Extrajudicial Opinions in the Proceeding touching Ship Money.

16 Caroli.

*Vacatur istud Recordum & Judicium inde habitum per considerationem & Judicium Dominorum Spiritualium, & Temporalium in Parlamento, & Irrotulamentum eorum Cancellatur.*

This Day the House of Peers sent to the Commons the Answer of the Earl of *Strafford* to the several Articles of Impeachment against him in the Lords House, containing above 100 Sheets of Paper.

Likewise this Day the engrossed Articles against the Archbishop of *Canterbury* were read, and ordered to be sent up to the Lords, and were carried up by Mr. *Pym*, Mr. *Hampden*, and Mr. *Maynard*.

And Mr. *Pym* coming to the Lords Bar to present them, spake as followeth:

Articles against the Archbishop carried up to the Lords, 26 Feb. 1640.

My Lords,

I Am commanded by the Knights, Citizens, and Burgeses now Assembled for the Commons in Parliament, to deliver to your Lordships these Articles, in maintenance of their Charge against the Archbishop of *Canterbury*. Their desire is, That first your Lordships would be pleased to hear the Articles read; and then I shall endeavour to present to you the Sense of the Commons, concerning the Nature of the Charge, and the Order of their Proceedings.

Mr. Pym's Speech.



An. 1640.

## (DUPLICATE.)

*Articles of the Commons assembled in Parliament, in maintenance of their Accusation against William Laud Archbishop of Canterbury; whereby he stands charged with High Treason, and other high Crimes and Misdemeanors.*

Articles against the Archbishop.

1. **T**HAT he hath traiterously endeavoured to subvert the Fundamental Laws and Government of this Kingdom of *England*; and instead thereof, to introduce an arbitrary and tyrannical Government against Law: And to that end, hath wickedly and traiterously advised his Majesty, That he might, at his own Will and Pleasure, levy and take Money of his Subjects, without their Consent in Parliament; and this he affirmed was warrantable by the Law of God.

2. That he hath for the better accomplishment of that his Traiterous Design, advised and procured Sermons, and other Discourses to be preached, printed, and published; in which the Authority of Parliaments, and the Force of the Laws of this Kingdom, have been denied, and absolute unlimited Power over the Persons and Estates of his Majesty's Subjects, maintained and defended; not only in the King, but in himself and other Bishops, against the Law: And he hath been a great Protector, Favourer, and Promoter of the Publishers of such false and pernicious Opinions.

3. He hath by Letters, Messages, Threats, and Promises, and by divers other ways to Judges, and other Ministers of Justice, interrupted and perverted; and other times by means aforesaid, hath endeavoured to interrupt and pervert the Course of Justice in his Majesty's Courts at *Westminster*, and other Courts, to the subversion of the Laws of this Kingdom; whereby sundry of his Majesty's Subjects have been stopt in their just Suits, deprived of their lawful Rights, and subjected to his tyrannical Will, to their Ruin and Destruction.

4. That the said Archbishop hath traiterously and corruptly sold Justice to those who have had Causes depending before him, by colour of his Ecclesiastical Jurisdiction, as Archbishop, High Commissioner, Referree, or otherwise; and hath taken unlawful Gifts and Bribes of his Majesty's Subjects, and hath (as much as in him lies) endeavoured to corrupt the other Courts of Justice, by advising and procuring his Majesty to sell Places of Judicature, and other Offices, contrary to the Laws and Statutes in that behalf.

5. He hath traiterously caused a Book of Canons to be composed and published, without any lawful Warrant and Authority in that behalf; in which pretended Canons, many Matters are contained contrary to the King's Prerogative, to the Fundamental Laws and Statutes of this Realm, to the Right of Parliament, to the Property and Liberty of the Subject; and Matters tending to Sedition, and of dangerous Consequence; and to the establishment of a vast, unlawful, and presumptuous Power in himself and his Successors: Many of which Canons, by the practice of the said Archbishop, were surreptitiously passed in the late Convocation, without due Consideration and Debate; others by Fear and Compulsion were subscribed by the Prelates and Clerks there assembled, which had never been voted and passed in the Convocation, as they ought to have been. And the said Archbishop hath contrived, and endeavoured to assure and confirm the



the unlawful, exorbitant Power, which he hath usurped and exercised over his Majesty's Subjects, by a wicked and ungodly Oath, in one of the said pretended Canons, enjoined to be taken by all the Clergy, and many of the Laity of this Kingdom.

6. He hath traiterously assumed to himself a Papal and Tyrannical Power, both in Ecclesiastical and Temporal Matters, over his Majesty's Subjects in this Realm of *England*, and in other Places, to the Dishonour of the Crown, Dishonour of his Majesty, and Derogation of his Supreme Authority in Ecclesiastical Matters. And the said Archbishop claims the King's Ecclesiastical Jurisdiction, as incident to his Episcopal Office, and Archiepiscopal in this Kingdom; and doth deny the same to be derived from the Crown of *England*; which he hath accordingly exercised, to the high Contempt of his Royal Majesty, and to the Destruction of divers of the King's Liege People, in their Persons and Estates.

7. That he hath traiterously endeavoured to alter and subvert God's true Religion, by Law established in this Realm; and instead thereof, to set up Popish Superstition and Idolatry: And to that end, hath declared and maintained in Speeches and printed Books, divers Popish Doctrines and Opinions, contrary to the Articles of Religion established by Law. He hath urged and enjoined divers Popish and Superstitious Ceremonies without any warrant by Law, and hath cruelly persecuted those who have opposed the same, by corporal Punishments and Imprisonments; and most unjustly vexed others, who refused to conform thereunto, by Ecclesiastical Censures of Excommunication, Suspension, Deprivation, and Degradation, contrary to the Laws of this Kingdom.

8. That for the better advancing of his traiterous Purpose and Design, he did abuse the great Power and Trust his Majesty reposed in him; and did intrude upon the Places of divers great Officers, and upon the Right of other his Majesty's Subjects, whereby he did procure to himself the Nomination of sundry Persons to Ecclesiastical Dignities, Promotions, and Benefices, belonging to his Majesty, and divers of the Nobility, Clergy, and others; and hath taken upon him the Commendation of Chaplains to the King; by which means, he hath preferred to his Majesty's Service, and to other great Promotions in the Church, such as have been Popishly affected, or otherwise unsound and corrupt both in Doctrines and Manners.

9. He hath for the same traiterous and wicked Intent, chosen and employed such Men to be his own Domestical Chaplains, whom he knew to be notoriously disaffected to the Reformed Religion, grossly addicted to Popish Superstition, and erroneous and unsound both in Judgment and Practice; and to them, or some of them hath he committed the Licensing of Books to be printed; by which means divers false and superstitious Books have been published, to the great scandal of Religion, and to the seducing of many of his Majesty's Subjects.

10. He hath traiterously and wickedly endeavoured to reconcile the Church of *England* with the Church of *Rome*: And for the effecting thereof hath consorted and confederated with divers Popish Priests and Jesuits, and hath kept secret Intelligence with the Pope of *Rome*; and by Himself, his Agents, and Instruments, treated with such as have from thence received Authority and Instruction; he hath permitted and countenanced a Popish Hierarchy, or Ecclesiastical Government, to be established in this Kingdom; by all which traiterous and malicious Practices, this Church and Kingdom hath been exceedingly endangered, and like to fall under the Tyranny of the *Roman* See.

11. He in his own Person, and his Suffragans, Visitors, Surrogates, Chancellors, and other Officers, by his Command, have caused divers  
Learned



An. 1640.

Learned, Pious, and Orthodox Ministers of God's Word to be silenced, suspended, deprived, degraded, excommunicated, and otherwise grieved, without any just and lawful Cause: And by divers other means he hath hindred the preaching of God's Word, caused divers of his Majesty's Loyal Subjects to forsake the Kingdom, and increased and cherished Ignorance and Profaneness amongst the People, that so he might the better facilitate the way, to the effecting of his own wicked and traiterous Design of altering and corrupting the true Religion here established.

12. He hath traiterously endeavoured to cause Division and Discord between the Church of *England* and other Reformed Churches; and to that end hath suppress'd and abrogated the Privileges and Immunities, which have been by his Majesty and Royal Ancestors granted to the *Dutch* and *French* Churches in this Kingdom: And divers other ways hath expressed his Malice and Dissatisfaction to these Churches; that so by such distinction, the Papists might have more Advantage for the Overthrow and Extirpation of both.

13. He hath maliciously and traiterously plotted and endeavoured to stir up War and Enmity between his Majesty's two Kingdoms of *England* and *Scotland*; and to that purpose hath laboured to introduce into the Kingdom of *Scotland*, divers Innovations both in Religion and Government, all or the most of them tending to Popery and Superstition, to the great grievance and discontent of his Majesty's Subjects of that Nation: And for their refusing to submit to such Innovations, he did traiterously advise his Majesty to subdue them by force of Arms; and by his own Authority and Power, contrary to Law, he did procure fundry of his Majesty's Subjects, and enforced the Clergy of this Kingdom to contribute towards the maintenance of that War: And when his Majesty, with much Wisdom and Justice, had made a Pacification betwixt the two Kingdoms, the said Archbishop did presumptuously censure that Pacification, as dishonourable to his Majesty; and by his Councils and Endeavours, so incensed his Majesty against his said Subjects of *Scotland*, that he did thereupon (by Advice of the said Archbishop) enter into an Offensive War against them, to the great hazard of his Majesty's Person and his Subjects of both Kingdoms.

14. That to preserve himself from being questioned for these and other his traiterous Courses, he hath laboured to subvert the Rights of Parliament, and the ancient Course of Parliamentary Proceedings; and by false and malicious Slanders to incense his Majesty against Parliaments.

By which Words, Counsels, and Actions, he hath traiterously, and contrary to his Allegiance, laboured to alienate the Hearts of the King's Liege People from his Majesty, and to set a Division between them, and to ruin and destroy his Majesty's Kingdoms; for which they do impeach him of High Treason against our Sovereign Lord the King, his Crown and Dignity.

The said Commons do further aver, That the said *William* Archbishop of *Canterbury*, during the times the forementioned Crimes were done and committed, hath been a Bishop or Archbishop of this Realm of *England*, one of the King's Commissioners for Ecclesiastical Matters, and one of his Majesty's most Honourable Privy-Council; and hath taken an Oath for his faithful Discharge of the said Office of Councillor; and hath likewise taken an Oath of Supremacy and Allegiance.

And the said Commons by Protestation, saving to themselves the Liberty of exhibiting, at any time hereafter, any other Accusation or Impeachment against the said Archbishop, and also replying to the Answers that the said Archbishop shall make unto the said Articles, or any of them, and offering

further



further Proof, also of the Premises, or any of them, or of any other Impeachment or Accusation that shall be exhibited by them, as the Cause shall, according to the course of Parliament, require, do pray that the said Archbishop may be put to answer to all and every the Premises; and that such Proceedings, Examination, Tryal, and Judgment, may be upon every of them had and used, as is agreeable to Law and Justice.

The Articles being read, Mr. Pym proceeded as follows:

*My Lords,*

There is an Expression in the Scripture, which I will not presume either to understand, or to interpret; yet to a vulgar Eye, it seems to have an Aspect something suitable to the Person and Cause before you: It is a Description of the Evil Spirits, wherein they are said to be *Spiritual Wickednesses in high Places*; Crimes acted by the Spiritual Faculties of the Soul, the Will and Understanding, exercised about Spiritual Matters, concerning God's Worship and the Salvation of Man, seconded with Power, Authority, Learning, and many other Advantages, do make the Party who commits them very suitable to that Description, *Spiritual Wickednesses in high Places*. These Crimes, my Lords, are various in their Nature, heinous in their Quality, and universal in their Extent. If you examine them *Theologically*, as they stand in Opposition to the Truth of God, they will be found to be against the Rule of Faith, against the Power of Godliness, against the Means of Salvation.

If you examine them *Morally*, as they stand in Opposition to the Light of Nature, to right Reason, and the Principles of Human Society; you will then perceive Pride without any Moderation; such a Pride as that is which exalts itself above all that is called God: Malice without any Provocation; Malice against Virtue, against Innocence, against Piety; Injustice, without any Means of Restitution, even such Injustice as doth rob the present Times of their Possessions, the future of their Possibilities.

If they be examined, *my Lords*, by Legal Rules in a civil way, as they stand in opposition to the Publick Good, and to the Laws of the Land; he will be found to be a Traitor against his Majesty's Crown, an Incendiary against the Peace of the State; he will be found to be the highest, the boldest, and most impudent Oppressor that ever was, an Oppressor both of King and People.

This Charge, *My Lords*, is distributed and conveyed into Fourteen several Articles, as you have heard; and those Articles are only general: It being the Intention of the House of Commons (which they have commanded me to declare) to make them more certain and particular, by preparatory Examinations, to be taken with the help of your Lordships House, as in the Case of my Lord of *Strafford*. I shall now run through them with a light Touch, only marking in every of them some special Point of Venom, Virulency, and Malignity.

1. The first Article, *my Lords*, doth contain his Endeavour to introduce into this Kingdom an Arbitrary Power of Government, without any Limitations or Rules of Law. This (*my Lords*) is against the Safety of the King's Person, the Honour of his Crown, and most destructive to his People. Those Causes which are most perfect, have not only a Power to produce Effects, but to conserve and cherish them. The seminary Virtue, and the Nutritive Virtue in Vegetables, do proceed from the same Principles. It was the defect of Justice, the restraining of Oppression and Violence, that first brought Government into the World, and set up Kings, the most excellent way of Government; and by the maintenance of Justice, all Kinds of Government receive a sure Foundation and Establishment: It is this that hath in it an Ability to preserve and secure the Royal Power of Kings, yea, to adorn and increase it.

In the Second Article, your Lordships may observe absolute and unlimited Power defended, by Preaching, by Sermons, and other Discourses printed and published upon that Subject. And truly (*my Lords*) it seems to be a prodigious Crime, That the Truth of God and his holy Law, should be perverted to defend the Lawlessness of Men: That the holy and sacred Function of the Ministry, which was ordained for Instruction of Mens Souls in the Ways of God, should be

16 Caroli.

The remainder of Mr. Pym's Speech.



An. 1645.

be so abused, that the Ministers are become the Trumpets of Sedition, the Promoters and Defenders of Violence and Oppression.

3. In the third Article, *my Lords*, you have the Judges, who under his Majesty are the Dispensers and Distributors of Justice, frequently corrupted by Fear and Solicitation; you have the course of Justice, in the execution of it, shamefully obstructed; and if a wilful Act of Injustice in a Judge be so high a Crime, in the Estimate of the Law, as to deserve Death, under what burthen of Guilt doth this Man lie, who hath been the Cause of great numbers of such voluntary and wilful Acts of Injustice?

4. In the fourth Article, he will be found in his own Person to have sold Justice in Causes depending before him; and, by his wicked Counsel, endeavouring to make his Majesty a Merchant of the same Commodity; only with this Difference, That the King by taking Money for Places of Judicature should sell it in Gross, whereas the Archbishop sold it by Retail.

5. In the fifth Article, there appears a Power usurped of making Canons, of laying Obligations on the Subjects in the Nature of Law; and this Power abused to the making of such Canons as are in the Matter of them very pernicious, being directly contrary to the Prerogative of the King, and the Liberty of the People. In the manner of pressing of them, may be found fraud and shuffling; in the conclusion, Violence and Constraint, Men being forced, by Terror and Threatning, to subscribe to all: Which Power thus wickedly gotten, they labour to establish by Perjury; enjoyning such an Oath for the maintenance of it, as can neither be taken nor kept with a good Conscience.

6. In the sixth Article, you have the King robbed of his Supremacy; you have a Papal Power exercised over his Majesty's Subjects in their Consciences, and in their Persons: You have Ecclesiastical Jurisdiction claimed, by an incident Right, which the Law declares to proceed from the Crown.

And herein your Lordships may observe, That those who labour in Civil Matters, to set up the King above the Laws of the Kingdom, do yet, in Ecclesiastical Matters, endeavour to set up themselves above the King. This was first procured by the Archbishop, to be extrajudicially declared by the Judges, and then to be published in a Proclamation: In doing whereof, he hath made the King's Throne but a Footstool for his own and their Pride.

7. You have, *my Lords*, in the seventh Article, Religion undermined and subverted; you have Popery cherished and defended: You have this seconded with Power and Violence, by severe punishment upon those which have opposed this mischievous Intention: And by the subtil and eager Prosecution of these Men, hath the Power of Ecclesiastical Commissioners of the *Star-Chamber* and Council-Table, been often made subservient to his wicked Design.

8. *My Lords*, You may observe in the eighth Article, great care taken to get into his own hand the Power of nominating to Ecclesiastical Livings and Promotions: You have as much mischievous, as much wicked Care taken in the disposing of these Preferments, to the hindrance and corruption of Religion. And by this means, *my Lords*, the King's sacred Majesty, instead of Sermons fit for spiritual Instructors, hath often had Invectives against his People, Encouragement to Injustice, or to the Overthrow of the Laws. Such Chaplains have been brought into his Service, as have, as much as may be, laboured to corrupt his own Household, and been eminent Examples of Corruption to others; which hath so far prevailed, as that it hath exceedingly tainted the Universities, and been generally dispers'd to all the chief Cities, the greatest Towns and Auditories of the Kingdom: The grievous Effects whereof, are most manifest to the Commons House, there being divers hundred Complaints there depending in the House against scandalous Ministers; and yet I believe the hundredth part of them is not yet brought in.

9. The Ninth Article sets out the like Care to have Chaplains of his own, that might be Promoters of this wicked and traiterous Design, Men of corrupt Judgments, of corrupt Practices, extreamly addicted to Superstition: And to such Mens Cares hath been committed the Licensing of Books to the Press; by means whereof many have been published that are full of Falshood, of Scandals, such as have been more worthy to be burnt by the Hand of the Hangman in *Smithfield* (as I think one of them was) than to be admitted to come into the Hands of the King's People.



10. In the Tenth Article it will appear, how he, having made these Approaches to Popery, comes now to close and join more nearly with it; he confederates with Priests and Jesuits; he, by his Instruments, negotiates with the Pope at Rome, and hath Correspondence with them that he Authorized from Rome here; he hath permitted a Roman Hierarchy to be set up in this Kingdom. And though he hath been so careful, that a poor Man could not go to the Neighbour Parish to hear a Sermon, when he had none at home; could not have a Sermon repeated, nor Prayer used in his own Family, but he was a fit Subject for the High Commission Court; yet the other hath been done in all Parts of the Realm, and no notice taken of it by any Ecclesiastical Judges or Courts.

16 Caroli.

11. *My Lords*, You may perceive Preaching suppress'd in the Eleventh, divers Godly and Orthodox Ministers oppress'd in their Persons and Estates. You have the King's Loyal Subjects banished out of the Kingdom; not as *Elimlech*, to seek for Bread in Foreign Countries, by reason of the great Scarcity which was in *Israel*; but travelling abroad for the Bread of Life, because they could not have it at home, by reason of the Spiritual Famine of God's Word, caused by this Man and his Partakers: And by this means you have had the Trade, the Manufactory, the Industry of many Thousands of his Majesty's Subjects carried out of the Land.

It is a miserable Abuse of the Spiritual Keys, to shut up the Doors of Heaven, and to open the Gates of Hell, to let in Prophaneness, Ignorance, Superstition and Error. I shall need say no more, these Things are evident, and abundantly known to all.

12. In the 12th Article, *My Lords*, you have a Division endeavour'd between this and the Foreign Reformed Churches. The Church of Christ is one Body; and the Members of Christ have a mutual Relation, as Members of the same Body. Unity with God's true Church every where, is not only the Beauty, but the Strength of Religion; of which Beauty and Strength he hath sought to deprive this Church, by his manifold Attempts to break this Union. To which Purpose he hath suppress'd the Privileges granted to the *Dutch* and *French* Churches: He hath denyed them to be of the same Faith and Religion with us: And many other Ways hath he declared his Malice to those Churches.

13. In the Thirteenth Article, as he hath sought to make an Ecclesiastical Division of Religious Difference between us and Foreign Nations, so he hath sought to make a Civil Difference between us and his Majesty's Subjects of the Kingdom of *Scotland*: And these he hath promoted by many Innovations there, press'd by himself and his own Authority. When they were incapable of such Alterations, he advis'd his Majesty to use Violence. He hath made private and publick Collections towards the maintenance of the War, which he might justly call his own War; and with an impudent Boldness hath struck Tallies in the *Exchequer* for divers Sums of Money procured by himself, *pro defensione Regni*; when by his Counsels, the King was drawn to undertake, not a Defensive, but an Offensive War.

14. He hath, lastly, thought to secure himself and his Party, by seeking to undermine Parliaments, and thereby hath laboured to bereave this Kingdom of the Legislative Power, which can only be used in Parliaments; and that we should be left a Kingdom, without that which indeed makes and constitutes a Kingdom, and is the only Means to preserve and restore it from Distempers and Decays. He hath hereby endeavoured to bereave us of the highest Judicatory; such a Judicatory, as is necessary and essential to our Government, some Cases of Treason, and others concerning the Prerogative of the Crown, and Liberty of the People. It is the Supream Judicatory, to which all difficult Cases resort from other Courts. He hath sought to deprive the King of the Love and Counsel of his People, and of that Assistance which he might have from them; and likewise to deprive the People of that Relief of Grievances, which they most humbly expect from his Majesty.

*My Lords*, The Parliament is the Cabinet wherein the chiefest Jewels both of the Crown and Kingdom are deposited. The Great Prerogative of the King, and Liberty of the People, are most effectually exercised and maintained by Parliaments. Here, *My Lords*, you cannot pass by this Occasion of great Thanks to God and his Majesty for passing the Bill; whereby the frequent course of



An. 1640.

Parliaments is established; which I assure my self he will by experience find to be a strong Foundation both of his Honour and of his Crown.

This is all, *My Lords*, I have to say to the Particulars of the Charge. The Commons desire your Lordships, that they may have the same way of Examination that they had in the Case of the Earl of *Strafford*; that is, to examine Members of all Kinds, of your Lordships House and their own, and others, as they shall see Cause; and those Examinations to be kept secret and private, that they may with more Advantage be made use of when the Matter comes to Tryal. They have declared, That they reserve to themselves the Power of making Additional Articles; by which they intend to Reduce his Charge to be more particular and certain, in respect of the several Times, Occasion, and other Circumstances of the Offences therein charged. And that your Lordships would be pleased to put this Cause in such a quick way of proceeding, that these great and dangerous Crimes, together with the Offenders, may be brought to a just Judgment.

The Archbishop sent to the Tower.

Upon the Reading of these Articles, the Lords made an Order, That the Archbishop should, on *Monday* following, being the first of *March*, be removed from Mr. *Maxwell's*, and sent to the Tower; and that he and the Earl of *Strafford* should not come together. And so he continued a Prisoner without putting in his Answer, or petitioning for Tryal, or being further prosecuted for near two Years space; and then the Commons exhibited Additional Articles against him, and proceeded to his Tryal, as in its proper Place shall be shewn.

Monday the 1st of March. Usury.

A Bill brought in against excessive Usury, allowing only 6*l.* per Cent. to them that lend, and 12*d.* to the Clerk or Scrivener for the Bond; and if any take more, such Clerk or Scrivener to forfeit 20*l.* &c.

Petition.

A Petition delivered to the House, from some of the Lords and Gentry of the County of *Cambridge*, complaining of, and disowning a former Address from that County against *Episcopacy*.

Dr. Chaffin for Words.

Dr. *Chaffin* was brought to the Bar, for certain Words delivered at a Visitation Sermon at *Salisbury*, as reflective and scandalous upon Parliaments. He endeavoured to put the fairest Interpretation upon them; and being ordered to withdraw, the Question being put, Whether he should be sent to the Tower, it was carried in the Negative by one Voice only; and so, having received a Reprimand from the Speaker, and enjoined to make a publick Explanation of the Words in a Sermon, in the Cathedral in *Sarum*, he was discharged.

Mr. *Hambden*,  
Mr. *Hollis*,  
Mr. *Maynard*,  
Mr. *Potts*,  
Sir *Gilbert Gerrard*,  
Sir *John Culpepper*,  
Mr. *Hatcher*,  
Sir *Tho. Barrington*,  
Mr. *Reynolds*,  
Mr. *Sollicitor*,  
Mr. *Selden*,  
Mr. *Whistler*,

Mr. *King*,  
Mr. *Rigby*,  
Mr. *Whitehead*,  
Sir *Tho. Widdrington*,  
Mr. *Bagshaw*,  
Mr. *Moore*,  
Sir *Arthur Haslerigg*,  
Sir *Simon d' Ewes*,  
Mr. *Vaughan*,  
And  
Sir *Edward Hungerford*,

Clergy to be out of the Commission of Peace.

Are appointed a Committee, to consider of several Protections granted to Popish Recusants, and also to prepare Reasons to be offered to the Lords at a Conference to be desired, about putting all Clergymen in *England* and



and *Wales* out of the Commission of the Peace, and to consider of the Names of fit Persons to be put in their room in every County.

Alderman *Pennington* intimates to the House the Inclination of the City to lend 100000*l.* for speedy Supply of the present Exigencies, upon the Security of the two Subsidies last voted, for the Relief of the *Northern* Parts. The House declares the same to be an acceptable Service; and Members are employed to the City for that Purpose.

The House re-assumed the Debate concerning Dr. *Bastwick*; and Resolved, That the Archbishop of *Canterbury*, and all those that voted against Dr. *Bastwick* in the *Star-Chamber*, shall make him satisfaction for the Damages sustained by that Sentence.

Ordered, That it be referred to a Committee to prepare a Bill, and therein to consider how far the Heirs and Executors of such as are or have been in Judicial or Ministerial Places, since the First Year of King *Charles*, that have or shall do wrong to the Commonwealth, by Extortion, Oppression, or Injustice, shall be liable to make Reparations to the Parties grieved.

Ordered, That no private Petitions for a Fortnight, shall be read in the House; and that the Chairmen of all the several Committees, shall have Power to receive such Petitions as shall be concerning the Matters to them respectively referred.

A Bill for prohibiting of foreign Cards to be brought into the Kingdom, read the first time.

Ordered, That those Members that lent Money, be paid out of the Four Subsidies; and those that first pay ready Money, or give Bond whereby ready Money may be had, shall be first secured. Furthermore, the House declared, That this voluntary Grant and Engagement of any of their Members for providing of Money, shall be no Precedent for future Times; requiring that this their Declaration be entred of Record in the Parliament-Rolls, and in the *Chancery*, as in like Cases hath formerly been used.

Ordered, That after 50000*l.* is paid to Sir *Will. Udall*, for to supply his Majesty's Army; then 25000*l.* shall be paid to such as the *Scots* Commissioners shall appoint, towards the Relief of their Army.

The Patent for making of *Salt-Petre* and *Gunpowder*, was voted Illegal; and the House declared, That any might make *Salt-Petre* and *Gun-Powder*, and sell the same.

Sir *John Lamb* was brought upon his Knees at the *Commons-Bar*, for Levying-Money on People for setting up of Organs.

Also a Complaint was made against Dr. *Cosins*, for causing 2000*l.* to be spent in setting up of Images, and other Innovations, in the Cathedral of *Durham*; providing an holy consecrated Knife, kept on purpose to cut the Communion-Bread.

The Earl of *Warwick* is appointed by the *Scots* Commissioners, to receive the 25000*l.* allowed them.

The Committee concerning the Earl of *Strafford*, made a Report to the House, That they thought fit to manage and maintain their Accusation of High Treason against him; and not to put in any particular Replication to his Answer, for avoiding loss of Time, but to call him speedily to his Tryal.

Upon a Complaint of several late Depredations by the *Turks*, a Message was this Day sent to his Majesty, humbly to desire that Six Frigats might be forthwith put out to Sea, to scour the Coasts, and secure the Merchants against them; which the King was pleased to grant; only whereas the Commons in their Message had desired, That Liberty might be given to Adventurers, to set forth Ships at their own Charges, and to take what Turkish

16 Caroli.

City to lend  
100000*l.*March 2.  
Dr. Bastwick.

March 3.

Cards.

March 4.

Organs.

Dr. Cosins.

Strafford.

March 5.  
Frigats against the  
Turks.



An. 1640.

Prizes they could, without giving any account to the King, or Lord Admiral; his Majesty would have the last Words altered to these: *Without paying any Duty to the King, or Lord Admiral, leaving the Parties free to dispose of Men, Goods, and Ships, to their best Advantage.*

At this time in the House of Lords, the Lord Andover made a Motion against the Court of *Star-Chamber*, in the brisk Speech following.

My Lords,

The Lord Andover's Speech against the *Star-Chamber*.

Since your Lordships have already looked so far into Privileges of Peers, as to make a strict Inquisition upon *foreign Honours*, let us not destroy *that* among our selves, which we desire to preserve from Strangers.

And if this Grievance I shall move against, have slept till now, it is very considerable, lest Custom make it every Day more apparent than other. Your Lordships very well know, that there was a Statute framed, 3 *Hen. 7.* authorizing the Chancellor, Treasurer, and Privy-Seal, and the two Chief Justices, calling to them one Bishop and a Temporal Lord of the King's Council, to receive Complaints upon Bill or Information, and cite such Parties to appear, as stand accused of any Misdemeanor; and this was the Infancy of the *Star-Chamber*: But afterwards the *Star-Chamber* was, by Cardinal *Wolsey*, 8 *Hen. 8.* raised to Man's Estate; from whence (being now altogether unlimited) it is grown a Monster; and will hourly produce worse Effects, unless it be reduced by that Hand which laid the Foundation: For the Statutes that are ratified by Parliament admit of no other than a Repeal.

Therefore I offer humbly unto your Lordships these ensuing Reasons, why it should be repealed.

*First*, The very Words of the Statute clearly shew, that it was a *needless Institution*; for it says, They who are to judge, can proceed with no Delinquent otherwise than if he were convicted of the same Crime by due Process of Law.

And do your Lordships hold this a rational Court, that sends us to the Law, and calls us to the Law, and calls us back from it again?

*Secondly*, Divers Judicatories confound one another; *Et in pessima Republica plurimae Leges.*

The *Third* Reason is from Circumstance, or rather à *Consuetudine*; and of this there are many Examples, both Domestick and Foreign; but more particularly by the Parliaments of *France*, abbreviated into a standing Committee by *Philip* the King, and continued according to his Institution, until *Lewis XI.* came to the Crown; who being a subtle Prince, buried the Volume in Epitome: For to this Day, whenever the three Estates are called, either at the Death of the Old King, or to Crown the New, it is a common Proverb, *Allons voire le feu des Estats*: My Lords, Arbitrary Judgments destroy the Common Laws, and in them the two great Charters of the Kingdom; which being once lost, we have nothing left but the Name of Liberty.

Then the *Last* Reason is, (though it was the first cause of my standing up) The great Eclipse it hath ever been to the whole Nobility; For who are so frequently vexed there, as Peers and Noblemen? And notwithstanding their Appeal to this Assembly is ever good, whilst that famous Law of 4 *Edw. 3.* remains in force, for the holding of a Parliament once a Year, or more, if occasion require; yet who durst a Year ago mention such a Statute, without the incurring the Danger of Mr. *Kilvert's* Persecution? Therefore I shall humbly move your Lordships, That a select Committee, of a few, may be named, to consider of the Act of Parliament it self; and if they shall think it of as great Prejudice as I do, that then the House of Commons, in the most usual manner, may be made acquainted with it, either by Bill or Conference, who also haply think it a Burden to the Subject; and so when the whole Body of Parliament shall join in one Supplication, I am confident his Majesty will desire that nothing shall remain in force, which his People do not willingly obey.

Another



Another Speech of the same Nobleman, touching the Treaty with the Scots.

16 Caroli.

My Lords,

I Did lately move your Lordships, that the Breach of the Pacification might be speedily reviewed, as the *Unum necessarium*; and truly my Opinion at that time, is yet nothing altered; although upon better Thoughts (methinks) it would first be known who did actually engage us in these fruitless Dissentions, and so derive the Mischief from some Original; for, my Lords, the Kingdom cannot now long stand at gaze, or undergo new Burthens.

The Lord Andover's Speech about the Treaty with the Scots.

Wherefore what is to be done (if you intend it should prosper) must presently receive Life from the whole People, otherwise we shall expire in a Dream; and when the Success differs from Expectation, it is not enough to cry, *Quod non putaram?* My Lords, the Wiseman says, *There is a proper season for all things under the Sun*; and we often find the Experiment in Natural Bodies, which are voluntarily weaken'd, to recover Strength, yet with a restriction of such Bounds and Limit, as the Physician prescribes himself: And truly, I think it is your Lordships Case at this Point, either to consider what should further be done, than is already, or else how to get out of those Labyrinths we now are in, lest the Words of the Psalmist come home to our selves, *Vendidisti populum sine pretio*.

My Lords, I am confident the House of Commons doth thoroughly see, both into the Prejudice and vast Expence that these two Armies lay upon the Land; and undoubtedly so many Gentlemen of Worth, as fit there, will have tender Eyes upon the Common-weal: It will therefore become your Lordships to second them in your way; and whilst they apply to publick Wounds, the Care of this House may search the Intestines: For if they be not cleansed, it will be but a superficial Cure, and break out again.

My Lords, It seems the Earl of Strafford, and the Archbishop of Canterbury, have gone the Highways of Iniquity, and every one knows how to trace them; but Mines under-ground are most considerable, which (unless they be likewise found out) may at any time spring and supplant the whole Fabrick of all our Labours. Let us then examine this fantastick War *ab initio*, lest as the Duke of Burgundy made a few Sheep-Skins the cause of his Quarrel, so we shall find those Sheets of Paper, sent under the Name of a Liturgy and Book of Canons, were but the Mopsis of the Story, to divert our Eyes from the main Design.

Therefore my humble Motion shall be for a selected Committee of no great Number, who may have Power from the House to begin *ab origine Mali*; revise every Man's Negotiations, who was either an Actor or Counsellor since the first appearance of those Troubles in Scotland; and that they may examine the Scottish Council upon such Articles, as the heavy Pressure of this Kingdom, shall upon common Fame administer unto them.

Mr. Hide reports the Papers delivered by the Scots Commissioners, for removing of the Garisons, and demolishing the Fortifications of Berwick and Carlisle; and that the Upper House having taken the same into consideration, and being inclined, that when a firm and settled Peace shall be established, all Things be reciprocally reduced unto the same Terms as before the late Troubles: Therefore that all Things may be settled, that may conduce to a firm Peace, with the least loss of time that may be (for the Charge that will necessarily follow, is such as this Kingdom cannot bear) their Lordships thought fit that the English Commissioners do move those of Scotland, to set down all their particular Heads and Demands at once together, and conclude the Eighth Article wholly, with all convenient speed, which they are instructed to propound, for confirming and establishing a perfect and speedy Peace; which being done, this Kingdom will speedily take into consideration the settling of all Things that may be for their Just Satisfaction, if the House of Commons shall concur herein.

Saturday,  
March 6.  
Scots.



An. 1640.

To which the Commons agreed, and that a free Conference be desired with the Lords thereupon.

Forest Laws.

The Earl of *Holland* signified to the House of Lords, that the King had commanded him to let them know, That his Majesty understanding that the *Forest-Laws* are grievous to the Subjects of this Kingdom, his Majesty, out of his Grace and Goodness to his People, is willing to lay down all the new Bounds of his Forests in this Kingdom; and that they shall be reduced to the same Condition as they were before the late Justices Seat held.

Cofins.

The Charge against Dr. *Cofins* read.

Sibthorp.  
Strafford.

Dr. *Sibthorp's* Sentence dispensed withal, till the Assizes be over.

*Resolved*, That there shall be no particular Replication put in to the Earl of *Strafford's* Answer in Writing; but the further Proceedings against him shall be, to aver the Charge of *High Treason*; and that he is guilty in such Manner and Form, as he stands accused and impeached: And that this House will be ready to prove their Charge against him, at such convenient Times as the Lords shall prefix, and intend to manage their Evidence by Members of their own.

Monday,  
March 8.

*Ordered*, That the Officers or Billeters of Soldiers, dead or run away, shall be paid to the time of their Death or Departure: And Thirty Gentlemen of *Yorkshire* are to be joined to the Commissaries for mustering the Army; the whole to be mustered in one Day to prevent Frauds; and that the Earl of *Crawford's* Troop of Reformado's, shall have Eleven Days Pay to discharge their Quarters.

The Articles against Dr. *Cofins* ordered to be engrossed.

March 9.  
Pluralists and  
Non-Resi-  
dents.

It was this Day moved in the House, That there be a Bill drawn against such as have *Pluralities* of Livings, or are *Non-Residents*; and that no Minister have more than one Living; and if he that hath a Living shall absent himself Forty Days, he shall lose it: And that no University Man shall have a Living that is above Ten Miles off, unless he live upon it; and that all Ministers that be scandalous in their Lives, or corrupt in their Doctrine, shall be put out.

Clergy.

Mr. *Crew* presents from the Committee for the Ministers Remonstrance, three Heads for the Debate and Consideration of the House, viz. 1. Their *secular Employments*, by which is intended their Legislative and Judicial Power in Parliaments; their Judicial Power in the *Star-Chamber*, and Commissions for the Peace, and their Employment as Privy-Counsellors at the Council-Table, and Temporal Offices. 2. Their *sole Power in Ecclesiastical Things*, by which is intended Ordination and Censures. 3. The greatness of the *Revenues* of Deans and Chapters, and the little use of them, and the great Inconveniencies thence arising.

March 11.

The Cessation of Arms continued a Month longer, to commence from the 16th of *March*.

The House re-assuming the Debate touching the Ministers Remonstrance, and proceeding upon the first of the three Heads recommended to consideration by that Committee, after a long Debate, came to these Votes:

Votes against  
the secular  
Employments  
of the Clergy.

*Resolved* upon the Question, That the Legislative and Judicial Power of Bishops in the House of Peers in Parliament, is a great hindrance to the discharge of their Spiritual Function, prejudicial to the Commonwealth, and fit to be taken away by Bill; and that a Bill be drawn to that Purpose.

*Resolved*, &c.

That for Bishops, or any other Clergyman whatsoever, to be in the Commission of the Peace, or to have any Judicial Power in the *Star-Chamber*,



Chamber, or in any Civil Court, is a great hindrance to the discharge of their Spiritual Function, prejudicial to the Common-wealth, and fit to be taken away by Bill ; and that a Bill be brought in to that Purpose.

This Day Dr. *Bray* was sent for to the Bar of the House of Lords, for having licensed Dr. *Pocklington's* Books, called, *Sunday no Sabbath*, and, *Altare Christianum* ; who ingenuously acknowledging his Offence, and that he did not peruse and examine them with that Caution as he ought, but was sorrowful for his Error ; and that he was now of a different Opinion concerning the Things in those Books, &c. He was thereupon by their Lordships sentenced to make a publick Recantation, in a Sermon on *Sunday* come Month next, in the Church at *Westminster* ; and the Bishops of *Durham*, *Lincoln*, and *Carlisle*, appointed to view his Sermon before he preaches it, and to judge whether it be sufficient for the Recantation intended : And the said Books to be publickly burnt, a Warrant being directed to the Sheriffs of *London* for that Purpose.

16 *Caroli.*Dr. *Bray* sentenced for licensing *Pocklington's* Books.

Mr. *Rigby* reports the Case of Mr. *Burton*.

Resolved, That the Four Commissioners, Dr. *Duck*, Dr. *Worral*, Dr. *Sams*, and Dr. *Wood*, proceeded unjustly and illegally, in suspending Mr. *Burton* *ab Officio* & *Beneficio*, for not appearing upon the Summons the first Procefs.

Friday, March 12.  
Mr. *Burton's* Case.

Secondly, That the breaking up Mr. *Burton's* House, and arresting his Person without any Cause shewed, and before any Suit depended against him in the *Star-Chamber*, and his close Imprisonment thereupon, are against the Law and Liberty of the Subject.

Thirdly, That *John Wragg* hath offended, in searching and seizing the Books and Papers of Mr. *Burton*, by colour of a General Warrant dormant from the High Commissioners ; and that the said Warrant is against Law, and the Liberty of the Subject ; and that Serjeant *Dendy* and Alderman *Abel* have offended, in breaking open the House of Mr. *Burton*, and ought respectively to make him Reparations for the same.

Resolved, That Mr. *Burton* ought to have Reparation and Recompence, for Damages sustained by the aforesaid Proceedings from Dr. *Duck*, &c.

Resolved, That the Warrant from the Council-Board, Dated at *Whitehall*, Feb. 2. 1636, for the committing Mr. *Burton* close Prisoner, and the Commitment thereupon, is Illegal, and contrary to the Liberty of the Subject.

Resolved, That the Archbishop of *Canterbury*, Bishop of *London*, and the Earl of *Arundel*, the Earl of *Pembroke*, Sir *Henry Vane*, Secretary *Cooke*, and Secretary *Windebank*, do make Reparation to Mr. *Burton* for his Damages sustained by his Imprisonment.

The Lords press hard to have the Tryal of the Earl of *Strafford* in their House : The Commons return Answer, That they impeaching the Earl, of Right may come as a House, but are resolved however to send their own Members as a Committee of the whole House.

A Complaint that the *Northern Army* was in disorder for want of Discipline by *Martial Law* ; yet the Commons being tender to yield thereunto, no Order was made.

Saturday,  
March 13.

The Lords agree upon *Westminster-Hall* for the Place of Tryal, saving the Right of the House of Lords, and the King shall be acquainted with it.

Mr. *Whitlock* reports the King's Assent to the Tryal of the Earl in *Westminster-Hall*.

Mr.



An. 1640.

Monday,  
March 15.

Mr. Rouse his  
Speech at the  
reading the  
Articles a-  
gainst Dr. Co-  
fins; as also  
the Articles  
exhibited a-  
gainst him.

Mr. Rouse carries up the Impeachment against Dr. *Cofins* to the Lords, where he spake as followeth :

My Lords,

I Am commanded by the House of Commons, to present to your Lordships a Declaration and Impeachment against Dr. *Cofins*, and others, upon the Complaint of Mr. *Peter Smart* ; which Mr. *Smart* was a *Proto-Martyr*, or first Confessor of Note, in the late Days of Persecution. The whole Matter is a Tree, whereof the Branches and Fruit are manifest in the Articles of this Declaration ; which being read, I shall with your Lordships Favour discover and lay open the Root.

Then the Articles were read, thus :

*Articles against Dr. Cofins.*

1. **T**HAT he was the first Man that caused the Communion-Table in the Church of *Durham* to be removed, and set Altar-wise ; in the Erecting and Beautifying whereof, he (being then Treasurer) expended 200 l.

2. That he used to officiate at the *West-side* thereof, turning his Back to the People.

3. That he used extraordinary Bowing to it.

4. That he compelled others to do it, using Violence to the Persons of them that refused so to do : For instance, once some omitting it, he comes out of his Seat, down to the Seat where they sate, being Gentlewomen, called them Whores and Jades, and Pagans, and the like unseemly Words, and rent some of their Cloaths.

5. That he converted divers Prayers in the Book of Common-Prayer into Hymns, to be sung in the Choir, and played with the Organ, contrary to the ancient Custom of that Church.

6. That whereas it had been formerly a Custom in that Church, at the end of every Sermon to sing a Psalm, this Custom, when Dr. *Cofins* came thither, was abrogated, and instead thereof they sung an Anthem in the Choir, there being no Psalm sung either at the Ministers going up into the Pulpit, or at his coming down.

7. That the first *Candlemas-day* at Night that he had been in that Church, he caused three hundred Wax-Candles to be set up, and lighted in the Church at once, in Honour of our Lady, and placed threescore of them upon and about the Altar.

8. That in this Church there were Reliques of divers Images, above which were remaining the Ruins of two Seraphims, with the Picture of Christ between them, erected in Queen *Mary's* time, in the time of Popery : All which, when Queen *Elizabeth* came to the Crown, were demolished by virtue of a Commission by her to that Intent granted ; which so continued demolished from that time, till Dr. *Cofins* came to that Church ; who being Treasurer, caused the same to be repaired, and most gloriously painted.

9. That all the time that he was unmarried, he wore a Cope of white Sattin, never officiating in any other, it being reserved solely for him, no Man except himself making use thereof, which after Marriage he cast off, and never after wore.

10. That there was a Knife belonging to the Church, kept altogether in the Vestry, being put to none but holy Uses, as cutting the Bread in the Sacrament, and the like, Dr. *Cofins* refusing to cut the same with any other but that, thinking all others that were unconsecrated, polluted ;  
but



but that which he putting Holiness in, never termed but the *consecrated Knife*. 16 Caroli.

11. That in a Sermon preached in that Church, he did deliver certain Words in disgrace of the Reformers of our Church : For Instance, the Words were these : *The Reformers of this Church, when they abolished the Mass, took away all good Order ; and instead of Reformation made it a Deformation.*

12. That he seldom or never, in any of his Sermons, stiled the Ministers of the Word and Sacraments, by any other Name than *Priests*, nor the Communion-Table by any other Name than *Altar*.

13. That by his Appointment there was a Cope bought, the Seller being a convicted Jesuit, and afterwards employed in that Church, having upon it the Picture of the invisible and incomprehensible *Trinity*.

14. That whereas it had been formerly a Custom in that Church, at Five of the Clock to have Morning-Prayers read Winter and Summer ; this Custom, when Dr. *Cosins* came thither, was abandoned, and instead thereof was used Singing, and playing on the Organs, and some few Prayers read, and this was called the first Service ; which being ended, the People departed out of the Church, returning at Nine a Clock, and having then Morning-Prayers read unto them ; and this was called Second Service. Which Innovation being disliked and complained of by Mr. Justice *Hutton*, was reformed.

15. That he framed a superstitious Ceremony, in lighting the *Tapers* which were placed on the *Altar*, which for Instance was this : A Company of Boys that belonged to the Church, came in at the Choir Door, with *Torches* in their Hands lighted, bowing towards the *Altar* at their first entrance, bowing thrice before they lighted their *Tapers* ; having done, they withdrew themselves, bowing so oft as before ; not once turning their Back-Parts towards the *Altar*, the Organs all the time going.

16. That he counselled some young Students of the University, to be Imitators and Practisers of his superstitious Ceremonies ; who to ingratiate themselves in his Favour did accordingly ; and being afterwards reprov'd for the same, by some of their Friends, confessed that Dr. *Cosins* first induced them to that Practice, and encouraged them therein.

17. That he used upon Communion-Days to make the Sign of the Cross, with his Finger both upon the Seats whereon they were to sit, and the Cushions to kneel upon, using some Words when he so did.

18. That one Sabbath-day there was set up an unnecessary Company of *Tapers* and *Lights* in the Church ; which Dr. *Hunt* being then Dean, fearing they might give Offence, being they were unnecessary, sent his Man to pull them down, who did so. But Dr. *Cosins* being thereat aggrieved, came to the Fellow, and there miscalled him in most uncivil manner, and began to beat him in the publick view of the Congregation, to the great disturbance of the same.

19. That the Dean and Chapter of that Church, where Dr. *Cosins* was one, with many others, being invited to Dinner in the Town of *Durham*, Dr. *Cosins* then and there spake Words derogating from the King's Prerogative. The Words were these : *The King hath no more Power over the Church than the Boy that rubs my Horse-beels.*

20. That there being many Canons of the said Church present at that time, amongst the rest there was one took more notice of his Words than the rest, and acquainted one of his Fellow-Canons with them when he came home : This Canon being a Friend to Dr. *Cosins*, told the Doctor that such a Man exclaimed of him, and charged him with Words that he should speak at such a time : The Doctor presently sends for him ; and when he came



An. 1641.

into the House, the Doctor desires him to follow him into an inner Room, who did so: But as soon as he came in, the Doctor shuts the Door, and sets both his Hands upon him, calling him Rogue and Rascal, and many other Names: Insomuch, that the Man fearing he would do him Mischief, cryed out. Mrs. *Cosins* coming in endeavoured to appease her Husband, and holding his Hands, the other ran away.

21. That the Doctor did seek many unjust Ways to ensnare this Man, that so he might take a just Occasion to put him out of his Place: But none of them taking Effect, he put him out by Violence, having no other Reason why he did so, but because he had no good Voice, when he had served the Place two Years before Dr. *Cosins* came thither: For instance of which unjust Ways to ensnare this Man, Doctor *Cosins* hired a Man and a Woman to pretend a desire of Matrimony, and to offer a Sum of Money to this Petty-Canon to contract Matrimony between them in a private Chamber; so thereupon to take Advantage of his Revenge upon him.

Which Articles being read, Mr. *Rouse* proceeded thus:

My Lords,

I Am now to discover the Root of Mr. *Smart's* Persecution. Your Lordships have heard of a great Design to bring in Popery; you have heard of Armies of Soldiers, and particularly of the Popish *Irish* Army, the Burthen and Complaint of the Commons. But there is another Army not so much spoken of; and that is, an Army of Priests: For since Altars came in, so they delight to be called. It is a Saying of *Gregory* the Great, That when Antichrist comes, *Preparatus est Exercitus Sacerdotum*, there is an Army of Priests to receive him: This is fulfilled in our Time: For certainly this Army of Priests doth many Ways advance the Design and Plot of Popery. A first is by the subversion of our Laws and Government: Our Laws and Popery cannot stand together; but either Popery must overthrow our Laws, or our Laws must overthrow Popery. But to overthrow our Laws, they must overthrow Parliaments; and to overthrow Parliaments they must overthrow Property; they must bring the Subjects Goods to be Arbitrarily disposed, that so there may be no need of Parliaments: This hath been done by Doctor *Maynwaring*, (whom we find wanting, yet not in the Seats, but at the Bar of the Lords House) and the like by Doctor *Beale*: And I think it was the Intention of the late Canons.

A second Way, by which this Army of Priests advanceth the Popish Design is the Way of Treaty. This hath been acted both by Writings and Conference. *Sancta Clara* himself saith, *Doctissimi eorum quibuscum egi*; So it seems they have had Conferences together: And *Sancta Clara*, on his Part, labours to bring the Articles of our Church to Popery; and some of our Side strive to meet him in that Way. We have a Testimony, that the great Arch-Priest himself hath said, *It were no hard matter to make a Reconciliation, if a wise Man had the handling of it*. But I verily believe, that as the State of Papacy stands, a far wiser Man than he cannot reconcile us without the loss of our Religion. For the Pope being fastened to his Errors, even by his Chair of Inerrability, he sits still unmov'd, and so we cannot meet, except we come wholly to him. A Man standeth in a Boat tyed to a Rock, when he draws the Rope, doth not draw the Rock to the Boat, but the Boat to the Rock. And *Sancta Clara* doth (in this somewhat honestly) confess it; for he saith, that he dealt in this way of Treaty, not to draw the Church to the Protestants; but the Protestants to the Church.

A third Way is a Way of Violence; this Violence they exercise partly by *Secular Arms*, and partly by *Priestly Arms*, which they call Spiritual. For *Secular Arms* we have their own Confession, that the late War was *Bellum Episcopale*: And we have the Papists Confession, that it was *Bellum Papale*; for in their Motives they say, *That the War concerns them, not only as Subjects, but as Catholics*; for so they falsely call themselves; and if it be so, then *Bellum Episcopale*



is also *Bellum Papale* : In the *Episcopal War*, the Papal Cause is advanced for the Spiritual Arms. Thus they come to execution. 16 Caroli.

When a great Man is coming, his Sumpters, his Furniture, his Provisions go before : The Pope's Furniture, Altars and Copes, Pictures and Images are come before ; and (if we believe Doctor *Cofins*) the very Substance of the Mass ; a certain Sign that the Pope was not far off. Now these Fore-runners being come, if any Man resist them, Fire comes out of the Brambles, and devours the Cedars of *Lebanon* ; the Army of the Priests falls upon him with their Arms of *Suspension*, *Sequestration*, *Excommunication*, *Degradation*, and *Deprivation*. And by these Arms hath Mr. *Smart* been oppressed and undone : He falls upon their Superstitions and Innovations ; and they fall upon him with their Arms, they beat him down, yea they pull him up by the Roots, taking away all his Means of Maintenance and Living ; yet they leave him Life to feel his Miseries. *Ita feriunt, ut diu se sentiat mori* : There is no Cruelty to Priestly Cruelty : These are they that did put our Saviour to death : The Calling is Reverend, but the Corruption of it most pernicious ; *Corruptio optimi pessima*. I know no reason of this Change, except it be that of the Apostle, because when they *knew God they did not worship him as God*, but made a God of the World, placing the Excellency of Priesthood in Worldly Pomp and Greatness, and gave the Glory of the Invisible God to Pictures, Images and Altars, therefore God gave them up to vile Affections, to be implacable, unmerciful, and without natural Affection. But whatsoever is the Cause of their Corruption, certainly their Arms have fallen heavily upon Mr. *Smart* ; and Priestly Cruelty hath cast him into a long Misery ; from which he could get no Release by any Priestly Mercy.

And now it is prayed, That as these Delinquents, by the cruel Oppressions of Mr. *Smart*, have advanced the Cause of Popery, so they may in such a Degree of Justice be punished, that in them Priestly Cruelty, and the very Cause of Popery may appear to be punished and suppressed ; and that Mr. *Smart*, suffering for the Cause of Protestantism, may be so repaired, that in him pious Constancy, and the very Cause of Protestantism may appear to be righted and repaired.

The Lords and Commons agree to Petition his Majesty for removal of *Papists* from Court ; and particularly named Sir *Kenelm Digby*, Sir *Toby Matthews*, Sir *John Winter*, and Mr. *Montague*, as Persons very dangerous and obnoxious.

March 16.  
Papists to be removed from Court.

It was concluded, That the Tryal of the Earl of *Strafford* shall begin on *Monday* next in *Westminster-Hall* ; and ordered that Scaffolds be erected there for that Purpose ; the House of Commons to be there as a Committee of the whole House ; the Earl to be allowed Council for Matter of Law ; and the Lords to judge what is Matter of Law.

Strafford.

The Lords of the Great Council at *York*, for vindicating their own Honour, disclaim what is insinuated in the Earl of *Strafford's* Answer to the Seventeenth Article, of their having an Hand in imposing a Tax on his Majesty's Subjects in the County of *York* to maintain the Trained-Bands of that County, and the levying thereof by Force, and affirmed the same to be unjustly charged upon them.

By an Order of the House of Peers, the Petition of several of the Lords, presented to his Majesty at *York*, for convening a Parliament, was brought in, and openly read ; and *Resolved*, That for the Honour of the Lords Petitioners, their said Petition be recorded in the Journal of this House, with their Names thereunto ; and that it be esteemed as the Act of this House ; and this House doth give them Thanks for the same. Which was done accordingly ; having received before the like Approbation and Acknowledgment in the House of Commons.

March 18.  
Thanks for Petitioning for a Parliament.

The House of Commons fell upon the Consideration of the Payment of Tonnage and Poundage ; and voted, That a Bill be brought in for the granting of Tonnage and Poundage to his Majesty for three Years.

Tonnage and Poundage.



An. 1640.

March 19.

Convocation.

An Information against Mr. Richard Perrot, for Words preached in a Sermon at *Kingslon* upon *Hull*.

Ordered, That Mr. Treasurer, and Mr. Comptroller move his Majesty to grant a Commission to the Convocation to treat about the granting of Subsidies by the Clergy.

No Proxies in  
case of Blood.

In the Lords House, the Committee, appointed to consider, Whether Proxies should be used in Cases of Blood; Report, That they are of Opinion, That those Lords that have Proxies of Lords absent, shall in this Case of the Earl of *Strafford*, forbear to make use of them, saving to them their Rights. Also they were of Opinion, That those that voted in the House of Commons, and are since made Peers, may vote as Judges here in this House in the same Case: And further desired, That the Bishops might shew Reasons why they should not likewise forbear giving Proxies in the said Cases.

Which being taken into Consideration, the House did order, That their Lordships do hold it fit, that for this time in this Case, those Lords that have Proxies shall make no use of them, saving to themselves the Rights of Peers. And the Bishops did declare, That they would not make any Procurator for themselves, with the like *Salvo*.

March 20.

Most of this Day was spent by the Commons in Preparation for the Earl of *Strafford's* Tryal.

Scandalous  
Ministers.

The Committee for Scandalous Ministers ordered to prepare a Bill against such Ministers, and to consider of Commissions to be sent down unto the several Counties to examine Scandalous Ministers.

Michaelmas  
Term.

The Bill for shortning *Michaelmas* Term Ingrossed.

Members appointed to attend at the Doors where they come in, at the Tryal of the Earl of *Strafford*, and the Serjeant at Arms to be Assistant.

That the House sit in the Afternoons, and meet at Two of the Clock.

Mr. *John Craven* lends 1000*l.* for the use of the Northern Parts.

Monday,  
March 22,  
*Strafford's*  
Tryal begins.

This Day began the Tryal of the Earl of *Strafford* in *Westminster Hall*, where the House of Commons were present from Day to Day whilst it lasted, as a Committee of the whole House, and only sat in the Commons House in the Afternoons; so that there was not for several Days much other Matter transacted.

The Author's  
Reference  
touching  
*Strafford's*  
Tryal.

For the Particulars of that famous Tryal (too tedious here to be inserted) the Reader is referred to the Book in *Folio* thereof, sometime since published by the Author of these Collections, who was present during the whole Proceedings, and exactly took the same in Characters.

In the Afternoon, the Commons repairing to their House, took into further consideration the Business of the Ministers Remonstrance; and Resolved,

Clergy to  
have no Secu-  
lar Employ-  
ments.

1. That for Bishops, or any other Clergymen whatsoever, to have Employment as Privy-Counsellors at the Council-Table, or as private Officers, is an hindrance to the discharge of their Spiritual Function, and a Prejudice to the Commonwealth, and fit to be taken away by Bill, and that a Bill be brought in accordingly.

2. That the Committee for the Ministers Remonstrance shall have Power to hear all such Ministers as have desired to be heard upon that Point, of the sole Power of Bishops in Ordination and Censures, if they shall desire it, and to hear such others as they shall think fit.



The House ordered to meet to morrow in *Westminster-Hall*, and to sit at Two in the Afternoon.

*Post meridiem*---Mr. *Pierpoint* Reports the Conference with the Lords, and that they are ready to concur in what shall be for the Good of the Kingdom: And further reports,

That the Obstruction in the City to part with Money, is the Apprehension of unquiet and dangerous Times; yet that it cannot be conceived but that there is Money in the Kingdom, and City too, but Men keep up their Wealths to serve their Turns in Times of Danger; yet the Security upon the Act of Subsidies might be a Credit to get Money, if the Treaty with the *Scots* may be concluded; and that the Lords will be ready to join with the House for the redress of Grievances.

The Business of Mr. *Burton* coming again into consideration, it was Resolved, That the Sentence in the *Star-Chamber* against Mr. *Burton* is Illegal, and without any just Ground, and ought to be reversed, and he ought to be freed from the Fine of 5000*l.* and Imprisonment imposed by the said Sentence, and to be restored to his Degrees taken in the University, Orders in the Ministry, and to his Ecclesiastical Benefice in *Friday-street, London*.

That the Order of the Council-board for transferring the said Mr. *Burton* from the Castle of *Lanceston* to the Isle of *Guernsey*, and imprisoning him there, are against the Law and Liberty of the Subject. That the said Mr. *Burton* ought to have Reparation and Recompence for the Damages sustained by the said Imprisonment, loss of his Ears, and other Evils sustained by the said unjust and illegal Proceedings.

A Committee from both Houses, Six Lords and Twelve Commons, sent into *London* to advance 10000*l.* upon the Credit and Security of the Subsidy-Bills.

These Days were taken up in the Tryal of the Earl of *Strafford*.

This Day three Bills were brought into the House of Commons, and read, *viz.*

A Bill for the more free Passage of the Gospel.

A Bill for reforming of the unlawful Acts of the Privy-Council, and the Court called the *Star-Chamber*.

A Bill to restrain Bishops, and others in Holy Orders, from intermeddling with Secular Affairs.

Mr. *Recorder* reports, That he with others, had attended the City, but no Money could be had; they were no constituted Body to any such Purpose, nor able to make Laws for the lending of Money, they could but perswade, and not compel.

During this Month the Parliament of *Ireland* was sitting, where the Lord Chancellor of that Kingdom, and several Judges, were impeached by the Commons, and several Grievances voted to be transmitted to their Committee in *England*, then attending his Majesty in order to obtain the same redressed.

16 Caroli.

March 23.  
Report from  
the Lords.

The Londoners  
will not lend  
Money.

March 24.  
*Burton*.

1641.

March 25.  
P. M.

March 26, and  
27, and Mon-  
day, 29.

March 30.  
Gospel.

Privy-Council  
and *Star-  
Chamber*.

Bishops and  
Clergy-men.

March 31.  
No Money  
from the City.

A Speech



An. 1641.

*A Speech made before the Lords in the Upper House of Parliament in Ireland, March 4. 1640. by Capt. Audley Mervin, at the Impeachment of Sir Richard Bolton, Kt. Lord Chancellor; John Lord Bishop of Derry, Sir Ger. Lowther, Lord Chief Justice of His Majesty's Court of Common-Pleas; and Sir George Ratcliff, Kt.*

*My Lords,*

I Am commanded by the Knights, Citizens and Burgeses of the Commons House, to present unto you Ireland's Tragedy; the Gray-headed Common Laws Funeral; and the Active Statutes Death and Obsequies.

This dejected *Spectacle* answers but the prefiguring *Type* of *Cesar's* Murther, wounded to Death in the *Senate*, and by *Brutus* his Bosom Friend. Our *Cesar's* Image by Reflection, even the Fundamental *Laws* and *Statutes* of this Kingdom, the sole Means by which our Estates are confirmed, our Liberties preserved, our Lives secured, are wounded to Death in the *Senate*, I mean in the Courts of Justice, and by *Brutus* too, even by those Persons that have received their Beings and Subsistence from them: So that here enters first those inseparable *Twins*, *Treason* and *Ingratitude*.

In a plain Phrase (*My Lords*) I tender unto you *Treason*, *High Treason*, such a *Treason* that wants nothing but Words to express it.

To counterfeit the King's Seal, to counterfeit the King's Money, it is *Treason*; but this dies with the individual Party: To betray a Fort is *Treason*; but it dies with a few Men.

To betray an Army is *Treason*; but it dies with a limited Number; which may be reinforced again by *Politick Industry*: To blow up both *Houses of Parliament*, is *Treason*; but succeeding Ages may replant Branches by a fruitful *Posterity*: But this *High Treason*, by which I do now again in the Name of the *House of Commons*, charge and impeach Sir *Richard Bolton* Knight, Lord Chancellor of *Ireland*, and Sir *Gerard Lowther*, Knt. Lord Chief Justice of the *Common Pleas*; *John*, Lord Bishop of *Derry*, and Sir *George Ratcliff*, Kt. in its Nature so far transcends any of the former, that the rest seem to be but *Petty Larcenies* in respect of this.

What is it to subvert the Fundamental Laws of this Kingdom? *High-Treason*. What is it with a contumacious Malice to trample under Feet the rich Legacies of our *Fore-Fathers*, purchased with Sweat and Expence, I mean the Statute Laws? *High Treason*. What is it, through an Innate Antipathy to the Publick Good, to incarcerate the Liberty of the Subject under the Iron and weighty Chains of an Arbitrary Government? *High Treason*! What is it, since his Majesty is the amiable and delightful Pourtraiture of flourishing and indulgent Justice to his Subjects, to represent him personated in their extrajudicial Censures and Judgments; but to possess (if possible) the Heart of his Loyal Subjects of this Kingdom, that he is a bloody and devouring *Tyrant*, and to provoke their never-dying Allegiance into a desperate and fatal Rebellion? What is it to violate the Grants of many of his Majesty's Progenitors, Kings and Queens of *England*, confirmed under the Broad-Seal, being the publick Faith of this Kingdom by an extrajudicial Breach, grounded upon no Record? What is it to insert a surreptitious Clause, forged by some servile Brain, in the *Preamble* of our last Act of *Subsidies*; by which the King's most excellent Majesty, and the Earl of *Strafford* are placed in one and the same Sphere, allowing them but equal Influences to nourish the

Alle-



Allegiance of this Kingdom. What is this but to extol other than Regal Authority ; and to crucify the Majesty of our Sovereign between the two Thieves of Government, Tyranny and Treason.

My Lords, having such a full and rushing Gale to drive me into the depth of these Occasions, I can hardly steer and confine my Course within the compass of Patience, since I read in the first Volume of their Brows, the least of these to be the certain Ruin of the Subject ; and if proved, a most favourable Prologue to usher in the Tragedy of the Actors, Counsellors and Abettors herein : What was then the first and main Question ? It was the subversion of the Fundamental Laws of this Kingdom. Let then Magna Charta that lies prostrated, besmeared and groveling in her own Gore, disclose her Wounds, as so many pregnant and undeniable Proofs. Mark the Epithet Magna, κατ' ἐξοχην, confirmed by Thirty Parliaments in the Succession of Eighteen Kings, the Violation of which hath several times engaged the Kingdom of England in a voluntary Sacrifice ; a Charter which imposeth that pleasant and well-becoming Oath upon all Sovereignty, to vindicate and preserve the Immunity thereof before the Crown incircle the Royal Temples. In this Oath of so high Consequence and general Interest, his Majesty doth in a manner levy a Fine to his Subjects Use, for avoiding all fraudulent Conveyances in the Administration of Justice : And this Oath is transplanted unto the Judges, as Feoffees in Trust, appointed between his Majesty and the Subject, and sealed by his Majesty's provident Care, with that Emphatical Penalty, that their Estates and Lives shall be in the King's Mercy, upon the Violation of the same, either in whole or in part : Neither hath the deserved Punishment for the Breach of this Oath, been enacted, as Bugbears to enforce the Obedience of Children.

No, My Lords, the just Execution of it upon their Predecessors, tho' in Breaches not so Capital, might have warned them to have strangled their ill-born Resolutions in the Cradle, before they should more proclaim their Infamy, and petition for their Punishment.

Witness Sir Thomas Wayland his Banishment, Confiscation of his Goods and Lands, only for his mercenary Justice contrary to his Oath, who was Chief Justice of the Common-Pleas, in the time of Edward 1.

Witness Sir William Thorp, Chief-Justice of the King's-Bench in the time of Edw. 3. who was adjudged to be hanged, because he had broken the King's Oath made unto the People, wherewith he was entrusted ; for so was the Interpretation of the Reason entred in the Roll.

Yet, My Lords, though Magna Charta be so sacred for Antiquity ; though its Confirmation be strengthened by Oath, though it be the proper Dictionary that expounds meum and tuum, and assigns every Subject his Birthright, it only survives in the Rolls, but is miserably rent and torn in the Practice.

These Words, Salvo Contentamento, live in the Rolls, but they are dead in the Star-Chamber.

These Words, Nullus homo liber disseistur de libero suo tenemento nisi per iudicium parium, live in the Rolls, but they are dead where Property and Freehold are determined by Paper Petitions. These Words, Nulli vendemus, nulli deferemus Justitiam, live in the Rolls, but are dead when the Suits, Judgments, and Executions of the Subjects are wittingly or illegally retarded, suspended and avoided : Shall we desire to search the mortal Wounds inflicted upon the Statute-Laws ? Who sees them not lying upon their Death-Beds, stabb'd by Proclamations, their Primitive and Genuine Tenures escheated by Acts of State, and strangled by Monopolies ?

Will



An. 1641.

Will you survey the Liberties of the Subject? Every Prison spews out illegal Attachments and Commitments; every Pillory is dyed with the forced Blood of the Subjects, and hath *Ears*, though not to hear, yet to *witness* this Complaint. Do you doubt of the defacement of the amiable Offices of his Majesty's most transplendent and renowned Justice and Grace? Let then that Microcosm of Letters Patents, confirmed under his Majesty's and his Predecessors Broad-Seal of the Kingdom, being the publick Faith thereof, and yet unchristned by frivolous and private Opinions, rise up in Judgment. Let the abortive Judgment of the Tenure *in Capite*, where no Tenure was express'd; nay, let the Heretical Trayterous Opinions, where the Tenure was express'd, yet to draw in all by Markets and Fairs, granted in the same Patents, rise up in Judgment.

What Glass hath this unhappy divided Kingdom from his Majesty's Presence and Audience to contemplate the fair and ravishing Form of his Royal Intentions in, but in the clear and diaphanous Administration of his Justice? And what do these traiterous and illegal Practices aim at, but in Affront to his Majesty, (which we most tenderly resent) and Discontent to his Subject, to multiply, as by a Magick Glass, the Royal Dispensation of his Favours, into the ugly and deformed Visage of their Suppression of the Liberties, Devastation of Estates, and Deprivation of the Lives of his Loyal Subjects; so that it may be said, *Regali capiti cervicem consul equinam fungere sic vellet variasque inducere plumas.*

My Lords, These ought to be considered with as serious and attentive an Ear, as they were practised by mischievous Experiments. Enquire of the *Netherlands* why their Fields are grown fertile by the Inundation of Blood; why the pensive Matrons solemnize too too frequent Funerals of their Husbands and Issue; and they will answer, That it was for the Preservation of their Laws, which Tyranny would have innovated. This Kingdom personated in the Sable Habit of a Widow, with dishevelled Hair, seems to petition your Lordships, that since she is a Mother to most of us, yet certainly a Nurse unto us all, that you would take some Order for a Redress of her Tyrannical Oppressions.

These Persons impeach'd, resemble the opacous Body of the Earth, interposed to eclipse that Light and Vigor, which the Solar Aspect of Majesty would communicate unto his Subjects.

They imitate the Fish *Sepia*, that vomits a dark Liquor out of her Mouth, to cloud the Waters for her securer Escape.

They are those to whom the Keys have been committed, yet they have barred the Door to them that knock'd.

They are those unnatural Parents, that give their Children Stones instead of Bread, and Scorpions for Fish.

Was it to this Purpose that the Royal Authority situated them in these eminent Places, that, like Beacons upon high Hills, they should discover and proclaim each Innovation and Stratagem against the publick Weal; whilst they, in the mean time, employ their Fires to a publick Incendiary, or like *Ignes fatui*, seduce the easy and believing Traveller into Pits and unexpected Mires?

Were they sworn to seal the Damnation, and not the Confirmation of our Liberties, Estates, and Lives? Shall a Man be censured for Perjury in that Breach of his private Faith, and these be justifiable in Treason, aggravated by Perjury against the Crown and publick Faith of the Kingdom? No, My Lords, your grave, judicious, and mature Examination, and deserved Punishment of these traiterous Proceedings, will speak these

Times



times as glorious to Posterity in their Reformation, as now they are lamented in their Persecution. 16 Caroli.

The Blood-thirsting Sword of an hostile Enemy by a timely Union and a defensive Preparation may be prevented. The *thin ribb'd Carkass* of an Universal Famine may have his Consumption restored by a Supply from our Neighbouring Nations.

The quick-spreading Venom of an infectious Pestilence may be prevented by Antidotes, and qualified by Physical Remedies: But this Catholick Grievance, like a Snake in the most verdant Walks, (for such are the unblemished Laws truly practised) stings us to Death when we are most secure; and, like the King's-Evil, can only be cured, by his Majesty's free and gracious Permission of our modest and gentle Proceedings for his Vindication, and our Preservation therein included.

*Spencer* and *Gaveston*, who have left their Names monumentally odious, for the evil Counsel they fed the King's Ears with, yet did possibly advance their own Friends; whilst these dart their Envy and Treason as from a common Center, equally touching the Bounds of every Superficies: For as concerning the Valid Estates, they have illegally overthrown them; when by your Lordship's Industry the Laws receive their Vigor, they will resume their Confirmation. But the Estates happily in themselves Legal, that they have in an extrajudicial Form established, will haste as speedily to their Dissolution; so, that, *Judas* like, they betrayed their best Friends with a Kiss.

My Lords, I cannot find in any surviving Chronology of Times, this Season to be parallel'd with all Circumstances; which makes me view the Records amongst the infernal Spirits, to find if, match'd there, I might extenuate their Facts, where first they appear like the false Spirit sent into the Mouth of the Prophets of *Achab*, to speak Delusions to subvert the Host of God.

The most vehement and traiterous Encounter of Satan, is lively decyphered in the true Example of *Job*; where first I observe the Disanalogy; he overthrows not *Job's Magna Charta*, he disseizes him not of his Inheritance, nor dispossesses him of his Leases, but only disrobes him of some part of his Personal Estate: When he proceeds to infringe *Job's* Liberty he doth not pillory him, nor cut off his Ears, nor bore him through the Tongue; he only spots him with some Ulcers: Here Satan stays; when these Persons, by their traiterous Combinations, envy the very Blood that runs unspilt in our Veins; and by obtruding bloody Acts, damn'd in the last Parliament, will give Satan Size-Ace and the Dice, at *Irish*, in enthralling the Lives of the Subjects, by their Arbitrary Judicature. I would not, my Lords, be understood to impute unto Judges an Infallibility, nor in impeaching these, to traduce those, whose Candor and Integrity shine with a more admired Lustre than their white Furs, who like Trophies of Virgin-Justice, stood fix'd and unmov'd in the rapid Torrent of the Times; while these like Straws and Chips play'd in the Streams, until they are devolved in the Ocean of their deserved Ruin. No, my Lords, *Humanum est errare*; and the Law allows Writs of Error, and Arrests of Judgment; but where there is *Crassa ignorantia*, against their Oaths, against the fundamental, elementary, and known Laws of the Kingdom; nay, my Lords, where it is rather *Præmeditata malitia*, where there is an emulating Policy, who should raze and embezzle the Records in the Practick, that are for the tender Preservation of our Liberties, Estates, and Lives, seeking only to be glorious in a National Destruction, as if their Safety were only involved in our Ruin, there I have Command to pity, but not to excuse them.



An. 1641.

‘ To kill a Judge, *quatenus* a Judge, is not Treason; but to kill a Judge sitting on the Bench, is Treason; not for that the Law intends it out of any Malice against the Party, but for the Malice against the Law; where then can an intensive or an extensive Malice be more express’d or implied against the Law, than the practical Dialect of these Persons impeached speaks with a known and crying Accent?

‘ The *Benjamites* slung Stones with their left Hands, yet they would not miss an Hair’s Breadth: These extrajudicial Proceedings are slung with the left, I mean they are sinistrous, and imprint their Black and Blue Marks more certain and more fatal; so that they may say, *Quæ regio in Terris nostri non plena laboris*? Though these Things be familiar unto us, yet I cannot but admire how this unproportionable Body of Judicature, should swell up into such a vast and ulcerous Dimension.

‘ But why should I? Considering this Excentrick Motion of the Body of the Law, had his Birth obscure, resembling the Tares that were sow’d in the Night-time: But here is the Difference, they were sown by the Enemy in the absence of the Master; but these are sown by the grand Masters themselves purposely, to overtop and choak the expected Harvest.

‘ Innovations in Law, and consequently in Government, creep in like Heresies in Religion, slowly and slyly, pleading in the end a sawcy and corrupt Legitimacy, by uncontroll’d Prescription.

‘ My Lords, this is the first sitting; and I have only chalked out this deformed Body of High Treason; I have not drawn it at length, lest it might fright you from the further View thereof.

‘ In conclusion, It is the humble Desire of the Commons, that the Parties impeached may be secured in their Persons, sequestred from this House, from the Council-Table, and from all Places of Judicature (as being *Civiliter mortui*) that they may put in their Answers, to the Articles ready now to be exhibited against them, and that all such further Proceedings may be secretly expedited, as may be suitable to Justice, and the Precedents of Parliaments; so his Majesty may appear in his triumphant Goodness and Indulgence to his People, and his People may be ravished in their dutiful and chearful Obedience and Loyalty to his Majesty; your Lordships may live in Records to Posterity, as the instrumental Reformers of these corrupted Times; and the Kingdom and Commonwealth may pay an amiable Sacrifice in Retribution and Acknowledgment of his Majesty’s multiplied Providence for our Preservation herein.

Articles



*Articles of the Knights, Citizens, and Burgeses in Parliament assembled, against Sir Richard Bolton, Lord Chancellor of Ireland, John Lord Bishop of Derry, Sir Gerard Lowther, Kt. Lord-Chief Justice of His Majesty's Court of Common-Pleas, and Sir George Ratcliffe, Kt. in maintenance of their Accusation, whereby they stand charged with High Treason.*

1. **T**HAT the said Sir Richard Bolton, Kt. Lord Chancellor of Ireland, John Lord Bishop of Derry, Sir Gerard Lowther, Knt. Lord Chief Justice of his Majesty's Court of Common Pleas, and Sir George Ratcliffe, Knt. intending the Destruction of this Realm, have traiterously considered and conspired together, to subvert the fundamental Laws and Government of this Kingdom; and in pursuance thereof, they and every of them have traiterously contrived, introduced and exercised an Arbitrary and Tyrannical Government against Law, throughout this Kingdom, by the Countenance and Assistance of Thomas Earl of Strafford, then Chief Governor of the Kingdom.

2. That they and every of them, the said Sir Richard Bolton, Kt. Lord Chancellor of Ireland, John Lord Bishop of Derry, Sir Gerard Lowther, Kt. Lord Chief Justice of his Majesty's Court of Common-Pleas, and Sir George Ratcliffe, Kt. have traiterously assumed to themselves, and every of them, Regal Power over the Goods, Persons, Lands, and Liberties of his Majesty's Subjects of this Realm; and have likewise maliciously, perfidiously, and traiterously given, declared, pronounced, and published false, unjust, and erroneous Opinions and Judgments, Sentences and Decrees, in extrajudicial manner against Law; and have perpetrated, practised, and done many other traiterous and unlawful Acts and Things, whereby as well divers Mutinies, Seditions, and Rebellions have been raised; as also many Thousands of his Majesty's Liege People of this Kingdom, have been ruined in their Goods, Lands, Liberties, and Lives: And many of them being of good Quality and Reputation, have been utterly defamed by Pillory, Mutilation of Members, and other infamous Punishments; by means whereof, his Majesty and the Kingdom have been deprived of their Service in Juries and other publick Employments, and the general Trade and Traffick of this Island, for the most part destroyed, and his Majesty highly damnified in his Customs and other Revenues.

3. That the said Sir Richard Bolton, John Lord Bishop of Derry, Sir Gerard Lowther, and Sir George Ratcliffe, and every of them, the better to preserve themselves and the Earl of Strafford in these and other traiterous Courses, have laboured to subvert the Rights of Parliaments, and the ancient Course of Parliamentary Proceedings: All which Offences were contrived, committed, perpetrated, and done at such times as the said Sir Richard Bolton, Sir Gerard Lowther, and Sir George Ratcliffe, Knights, were Privy Counsellors of State within this Kingdom, and against their and every of their Oaths of the same; and at such times as the said Sir Rich. Bolton, Kt. was Lord Chancellor of Ireland, or Chief Baron of the Court of Exchequer within this Kingdom, and Sir Gerard Lowther, Kt. was Lord Chief Justice of the said Court of Common-Pleas, and against their Oaths of the same, and at such time as the said Lord Bishop of Derry was actually Bishop of Derry within this Kingdom, and were done and perpetrated contrary to their and every of their Allegiance, and several and respective Oaths taken in that Behalf.



An. 1641.

For which, the said Knights, Citizens, and Burgesſes do impeach the ſaid Sir *Richard Bolton*, Lord Chancellor of *Ireland*, *John* Lord Biſhop of *Derry*, Sir *Gerard Lowther*, Kt. Lord Chief Juſtice of his Maſteſty's ſaid Court of *Common-Pleas*, and Sir *George Ratcliffe*, Kt. aforeſaid, and every of them, of High Treason againſt our Sovereign Lord the King, his Crown and Dignity.

And the ſaid Knights, Citizens, and Burgeſſes, by Proteſtation, ſaving to themſelves the liberty of exhibiting at any time hereafter any other Accuſation or Impeachment againſt the ſaid Sir *Richard Bolton*, Lord Chancellor of *Ireland*, *John* Lord Biſhop of *Derry*, Sir *Gerard Lowther*, and Sir *Geo. Ratcliffe* aforeſaid, and every of them; and alſo of replying to their, and every of their Answer and Answers, which they and every of them ſhall make to the ſaid Articles, or any of them, and of offering Proof alſo of the Premises, or of any other Impeachment or Accuſation, as ſhall be by them exhibited, as the Caſe ſhall, according to the Courſe of Parliament, require.

And the ſaid Knights, Citizens, and Burgeſſes, do pray that the ſaid Sir *Richard Bolton*, Kt. Lord Chancellor of *Ireland*, *John* Lord Biſhop of *Derry*, Sir *Gerard Lowther*, Kt. Lord Chief Juſtice of the ſaid Court of *Common-Pleas*, and Sir *George Ratcliffe*, Kt. and every of them, be put to answer all and every the Premises; and that all ſuch Proceedings, Examinations, Tryal, and Judgment, may be upon them, and every of them, had and uſed, as is agreeable to Law and Juſtice.

*A Schedule of ſome part of the Grievances of this Kingdom, voted in the Lords Houſe of Parliament in Ireland, the 18th of February, 1640. to be tranſmitted to the Committee of the ſame Houſe attending his Maſteſty in England, to purſue for Redreſs for the ſame.*

1. **T**HAT the Nobility of this Kingdom have not been Taxed or Aſſeſſed, in their Subſidies in this Parliament, and the laſt preceding Parliament, equally or proportionably to the Lords in *England*, nor answerable to their Eſtates and Engagements: But exceſſively rated beyond their Abilities to bear, and beyond all Example in any of his Maſteſty's Dominions.

2. That the Peers of the Realm have been reſtrained of late, even to cloſe Priſon, not being impeached of Treason or other capital Offence.

3. That the Proxies of Peers have of late been limited unto ſuch Perſons only as the Chief Governor nominated (few or none excepted) and Liſenſe of Abſence granted to none but on thoſe Terms; by Reaſon whereof, even in this Parliament, Four or Five Noblemen could out-vote all the Temporal Nobility preſent.

4. That ſuch Noblemen as have Titles of Honour in this Kingdom, and no Lands, have Vote in Parliament.

5. The late Proclamation reſtraining Peers, and others to go into *England*, to preſent themſelves before their Liege Lord, or otherwiſe without Liſenſe; and therefore an Act of Parliament to be propounded, to prevent the like hereafter.

6. The general and apparent Decay of Trades, occaſioned by the new, and illegal raiſing of the Book of Rates and Impoſitions, as 12d. a-piece Cuſtom for Hides, bought for 3, 4, or 5 s. and other heavy Impoſitions upon



upon Native, and other Commodities, exported and imported : By Reason whereof, and of extream Usage and Censures, Merchants are beggar'd, and both disenabled and discouraged to Trade, and some of the Persons who gain thereby, are often Judges and Parties; and that in Conclusion, his Majesty's Profit thereby is not considerably advanced.

7. The Arbitrary Decisions of all Civil Causes and Controversies, by Paper-Petitions before the Lord-Lieutenant, Lord Deputy, or other Chief Governor, and infinite other Judicatories, upon References from them derived, in the Nature of all Actions determinable at the Common Law, not limited unto certain Time, Season, Cause, or Thing whatsoever; and the Consequences of such Proceedings, by receiving immoderate and unlawful Fees, by Secretaries, Clerks, Pursuivants, Serjeants at Arms, and otherwise; by which kind of Proceedings, his Majesty loseth a considerable Part of his Revenue upon original Writs, and otherwise : The Subject loseth the Benefit of his Writ of Error, Bill of Reversal, Vouchers, and other legal and just Advantages in the ordinary Course, and Courts of Justice are thereby declined.

8. The Proceeding in Civil Causes, at the Council Board, contrary to the Law, and great Charter, and not limited to any certain Time or Season.

9. The extrajudicial Avoidings of Letters-Patents of Estates, of a very great Part of his Majesty's Subjects under the Great Seal, the Publick Faith of the Kingdom, by private Opinions, delivered at Council-Board, without legal Evictions of their Estates, contrary to the Laws, and without Precedent or Example, of any former Age.

10. The Proclamation for the sole Composition and uttering of Tobacco, which is bought at very low Rates, and uttered at very high and excessive Rates; by means whereof, Thousand Families within this Kingdom, and of his Majesty's Subjects in several Islands, and other Parts of the *West-Indies* (as their Lordships are informed) are destroyed, and the most Part of the Coin of this Kingdom, is engrossed thereby into particular Hands; insomuch as their Lordships conceive the Profit arising and engrossed thereby, doth surmount his Majesty's Revenue, certain or casual, within this Kingdom; and yet his Majesty receiveth but very little Profit by the same.

11. The unusual and unlawful increasing of Monopolies, to the Advantage of few, to the Disprofit of His Majesty and the Impoverishment of his People, as Starch, Tobacco, Tobacco-Pipes, Soap, Glasse, and other Things.

12. The late Erection of the Court of High Commission for Causes Ecclesiastical, in these necessitous Times, the Proceedings of the same Court in many Causes, without legal Courses; and yet ever supported as Prohibitions have not been obtained, though legally sought for, and the excessive Fees exacted by the Ministers thereof, and the encroaching of the same upon the Jurisdiction of the Ecclesiastical Courts of this Kingdom.

13. The exorbitant Fees and pretended Customs exacted by the Clergy against the Law, some of which have been formerly presented to the late Lord Deputy, but no Redress had thereupon.

14. The Act of State touching the buying of Gunpowder out of his Majesty's Store, which is commonly bad, and, for the most Part, sold at double the Value for which the same is bought in Gross; and the Proclamations restraining Hawking and Hunting within seven Miles of *Dublin*, and shooting at any living thing within Five Miles of the *Nase*, whereby neither Noblemen or Gentlemen dare shoot at any Vermin, or other Thing  
what-



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whatsoever that is living, which they conceive to be none of his Majesty's Royal Meaning.

15. That by the Powerfulness of some Ministers of State in the Kingdom, the Parliament in its Members and Actions hath not had its natural Freedom.

16. That his Majesty's Subjects of this Kingdom have been denied the Benefit of the Statute of Limitation, of 21 *Jac.* granted by his Majesty in the Fourth Year of his Reign, upon great Advice and Consideration, and then published in all the Courts, and in open Assizes.

17. That the Fees taken in all the Courts of Justice in this Kingdom, both Ecclesiastical and Civil, by Officers and Ministers, are so immoderately high, that it is an unspeakable Burthen to all his Majesty's Subjects of this Kingdom, who are not able to subsist, except the same be speedily remedied, and reduced to such Moderation as may stand with the Condition of this Realm.

18. That many Hundred Thousand Weight of Linnen-Yarn and Linnen-Cloth have of late been taken away by Force, by Authority of the Chief Governor, from poor, industrious People, for want of breadth, or a certain Number of loose Threads, to the undoing of many Thousands of his Majesty's Subjects.

19. And lastly, That the Nobility, Gentry, and Merchants, and other his Majesty's Subjects of this Kingdom, are of late by the Grievances and Pressures aforesaid, and other the like, very near to Ruin and Destruction, and Farmers of Customs, Customers, Waiters, Searchers, Clerks of unwarrantable Proceedings, Pursuivants, and Goalers, and sundry others, very much enriched thereby; and by the slow Redress of these, and other Grievances, under which his Majesty's loving Subjects have some Years past groaned, his Majesty's most faithful and dutiful People of this Kingdom do conceive great Fears, That their Readiness approved upon all Occasions hath not been of late rightly represented to his Sacred Majesty.

The said *Irish* Committee attending the King, consisted of Four Peers and Twelve Commoners, *viz.* The Lord Viscount *Gormandstone*, Lord Viscount *Kilmaloe*, Lord Viscount *Casteloe*, and Lord Viscount *Baltinglas*. The Commons were, out of *Lemster*, *Nich. Plunket*, *Digby*, *Richard Fitz-Garret*, *Nich. Barnewell*, Esq; out of *Munster*, *Sir Hardresse Waller*, *John Welsh*, *Sir Donnogh Mac-Carti*; out of *Conaught*, *Robert Linch*, *Geofry Brown*, *Tho. Burke*; out of *Ulster*, *Sir Will. Cole*, *Sir James Montgomery*.

The King took these their Grievances into his Royal Consideration, condescending so far to their Satisfaction, as that he heard them Himself, and made present Provision for their Redress.

Upon the Death of *Mr. Wandsford*, Master of the Rolls in *Ireland*, and Lord Deputy there, under the Earl of *Strafford*, (for he continued Lord Lieutenant after his Imprisonment) the King nominated the Lord *Dillon*, and *Sir William Parsons*, for the Government of *Ireland*; but finding the Lord *Dillon* not to be acceptable to the said Committee, placed *Sir John Borlace* in his Room, who took the Sword, *Feb. 9. 1641.*

Tuesday, Ap. 1.

The Bill against Bishops and Clergymen exercising any Temporal Power, and the Bill for regulating the Privy-Council, were both read the second Time, and committed.

Ordered,



*Ordered*, That the Committee of Twenty Four that was formerly appointed for the *Remonstrance* of the State of the Kingdom, shall Collect the Heads of the great Grievances of the Kingdom, as they shall think fit, and dispose them into the Form of a Petition, and present them to the House; and that the Lords be desired to join in representing the same to his Majesty for Redress.

A Bill for the better regulating of the two Parts of Recusants Lands, liable to his Majesty's Seizure for their Recusancy, read the First Time.

A Bill for Repeal of a Branch of a Statute, 1 *Eliz.* concerning Commissions for Causes *Ecclesiastical*, read the Second Time.

The Lord Mayor came to the Lords House, to inform them of the Difficulty to get Moneys; whereupon there was a Conference of both Houses, concerning the Loan of Moneys.

Nothing extraordinary passed, being busy at the Earl of *Strafford's* Tryal.

The House enter'd into a Debate concerning the Army; whereupon it was

*Resolved*, That it is the Opinion of this House, That during the Session of this *Parliament*, neither the King's Army, nor any of the Train'd-Bands of *Yorkshire*, shall March or Advance without special Order of his Majesty, with the Advice and Consent of both Houses of Parliament, except in Case the *Scotish* Army should Pass the Limits appointed by the Treaty; or except it be to resist any actual or sudden Invasion which shall be made by Foreign Enemies; or to oppose such as shall presume to attempt any Thing contrary to this Declaration; and in Case any shall dare to assemble in Warlike Manner, contrary to this Declaration, the Opinion of this House is, That all Persons so offending, shall be accounted and taken for *Enemies to the King and State*; saving in Case the *Scots* do draw their Forces together, then the drawing of the King's Army into one or more Bodies, shall be accounted no Breach of this Declaration.

*Ordered*, That the Eleven Days Pay due to the Earl of *Crawford's* Troop, shall be paid out of the First Moneys that shall come in.

The House fell into a Debate of Heads for a Conference with the Lords, that the King's Answer be humbly desired to be speedily had to the disbanding of the *Irish* Army, disarming of *Papists*, and removing of Recusants from Court; that the Treaty with the *Scots* be brought to a speedy Issue, and that Care be taken that some Chief Officers of the Army, be sent down to the Army, with all convenient Speed; and that the Lords be desired to join herein.

*Ordered*, That Sir *John Lamb* have his Liberty upon Bail.

The Question being put for a Cessation of Arms to be continued a Month longer: The House was divided; for the *Yeas* 157; for the *Noes* 128. Whereupon it was

*Resolved*, That this House doth approve of the Continuance of a Cessation of Arms between the two Kingdoms for a Month longer, from the Sixteenth of this Instant *April*, upon the same Terms it was formerly agreed upon, in Case the Treaty shall so long continue.

*Ordered*, That the Aldermen and Citizens, Members in this House, shall intimate unto the Lord-Mayor, That the Statutes for the due observing of the Lord's Day be put in Execution: And that the like Intimation from this House be made to the Justices of Peace for *Middlesex* and *Westminster*.

16 *Caroli.*

Remonstrances.

April 2.

Recusants Lands.

April 3.

Causes Ecclesiastical.

Lord Mayor at the House of Lords.

April 5.

April 6.

Both Armies to keep within Bounds.

Earl of *Crawford*.

April 8.

April 9.

Cessation of Arms.

April 10.

For observing the Lord's Day.



An. 1641.

E. of *Strafford*.  
Popish Hierarchy.

April 12.

Priests.

Bill of Attainder.

Earl of *Strafford* to recollect his Evidence.

Reformado Officers.

April 14.  
Election of Members.Earl of *Strafford*'s Council.

Bill of Attainder not opposite to the other Proceedings.

April 15.  
Committee.  
Bill of Attainder.Mr. *Chambers*'s Petition.Earl of *Strafford* voted guilty of subverting, &c.  
April 16.A Committee to hear the Earl of *Strafford*'s Council.  
April 17.  
A Fast.April 19.  
Officers of the Army to go to their Commands.  
The House to be called.April 19.  
Earl of *Strafford* voted guilty of High Treason.

*Resolved*, That the Bill for the Attainder of *Thomas Earl of Strafford* of High Treason shall be now read.

That the Committee for the *Roman Hierarchy*, do meet and proceed in the Examination of that Matter; and Sir *Robert Pye*, Sir *H. Anderson*, Sir *George Gerrard*, and Mr. *Laurence Whitaker* are added to that Committee; who are to take the Examination of one *Brown*, a Priest, in *Newgate*, who pretends he has something to Discover, and to give no Copies of his Examination till further Order.

That Notice be given to the Lord Mayor, where some Priests do now lodge, that they may be apprehended.

*Ordered*, That at the next sitting of the House, the Bill for Attainder of the Earl of *Strafford* shall be read the second Time.

This Day the Lords declared, That the Commons may proceed as they have propounded; the Earl of *Strafford* first recollecting his Evidence; and that being done, the Commons to state their Evidence, and this to be done To-morrow Morning.

The Petition of divers Reformado Officers of the King's Army, read and referred.

A Bill for Reformation of Disorders and Abuses in the Election of Knights, Citizens, and Burgeses in Parliament, read the first Time.

That the Earl of *Strafford*'s Council be heard To-morrow at Eight of the Clock concerning Matter of Law.

Mr. *Maynard* Reports the Heads of the Conference to be had with the Lords, to shew how their Proceedings, by way of Bill of Attainder, stands in no way of Opposition to those Proceedings that have already been in this Business.

Mr. *Peard* called to the Chair of the Grand Committee for the Bill of Attainder.

The Lords do now agree the Earl of *Strafford*'s Council shall only speak to matter of Law, and not to matter of Fact.

Mr. *Chambers* his Petition was read and referred, complaining of the Sentence in the *Star-Chamber*, and of the Barons in the *Exchequer* denying him the Benefit of a Writ of *Replevin*.

The House reassumed the Debate concerning the Earl of *Strafford*; and *Resolved*, That it is sufficiently proved, that the Earl of *Strafford* hath endeavoured to subvert the Antient and Fundamental Laws of the Realms of England and Ireland, and to introduce an Arbitrary and Tyrannical Government against Law.

That a Committee of both Houses do only go to hear the Earl of *Strafford*'s Council.

*Resolved*, That there shall be a Message sent to the Lords, to desire them to join with this House to make Request to his Majesty for a Publick Fast.

That the Grand Committee do now sit upon the Bill of Attainder.

This Day Commissary *Wilmot* acquainted the House, that he and the rest of the Officers of the Army, Members of this House, had received Command to go to their Charges in the Army very suddenly.

The House took two or three Days Time to consider of this Business, and ordered the House to be called on *Tuesday* come Sevensnight; and that none of the Members go out of Town, without special License from the House.

*Resolved* upon the Question, That the Endeavour of *Thomas Earl of Strafford* to subvert the Ancient and Fundamental Laws of the Realms of England and Ireland, and to introduce an Arbitrary and Tyrannical Government, against Law, in both these Kingdoms, is High Treason.

The



The Doors locked, and the Keys brought up to the Table, Mr. Peard reports the Bill against the Earl of *Strafford*, with Amendments; and upon the Question for the passing thereof, the House was divided, 59 for the *Noes*, 204 for the *Yeas*, (the Lord *Digby* being appointed one of the Tellers for the *Noes*,) whereupon the Bill was ordered to be immediately ingrossed and sent up to the Lords.

But during the Debate, the Lord *Digby* made this following Speech.

16 Caroli.

Report from the Committee for the Earl of *Strafford*.

The Bill against him pass'd.

*The Lord Digby's Speech in the House of Commons, on the Bill of Attainder of the Earl of Strafford, April 21. 1641.*

Mr. Speaker,

WE are now upon the Point of giving (as much as in us lies) the final Sentence unto Death or Life, on a Great Minister of State, and Peer of this Kingdom, *Thomas Earl of Strafford*; a Name of Hatred in the present Age by his Practices, and fit to be made a Terror to future Ages by his Punishment.

I have had the Honour to be employed by the House in this great Business, from the first Hour that it was taken into Consideration. It was a Matter of great Trust, and I will say (with Confidence) that I have served the House in it with Industry, according to my Ability, but with most exact Faithfulness and Service.

And as I have hitherto discharged my Duty to this House and to my Country, in the Progress of this great Cause, so I trust I shall do now in the last Period of it, to God and to a good Conscience.

I do wish the Peace of that unto my self, and the Blessings of Almighty God to me and my Posterity, according as my Judgment on the Life of this Man shall be consonant with my Heart, and the best of my Understanding in all Integrity.

I know well, Mr. Speaker, that by some Things I have said of late, whilst this Bill was in Agitation, I have raised some Prejudices upon me in the Cause. Yea, some (I thank them for their plain-dealing) have been so free as to tell me, that I suffered much by the Backwardness I have shewn in this Bill of Attainder of the Earl of *Strafford*, against whom I had been so Keen, so Active.

Mr. Speaker, I beg of you and the rest but a Suspension of Judgment concerning me, till I have opened my Heart unto you freely and clearly in this Business. Truly, Sir, I am still the same in my Opinions and Affections, as unto the Earl of *Strafford*; I confidently believe him to be the *most dangerous Minister*, the most insupportable to free Subjects, that can be characterized. I believe his Practices in themselves as high, as tyrannical, as any Subject ever ventured on, and the Malignity of them hugely aggravated by those rare Abilities of his, whereof God has given him the Use, but the Devil the Application. In a word, I believe him still that grand Apostate to the Commonwealth, who must not expect to be pardoned in this World till he be dispatch'd to the other: And yet, let me tell you, Mr. Speaker, my Hand must not be to that Dispatch: I protest, as my Conscience stands informed, I had rather it were off.

Let me unfold to you the Mystery: Mr. Speaker, I will not dwell much upon justifying unto you my seeming variance at this time from what I was formerly, by putting you in mind of the Difference between *Prosecutors* and *Judges*. How misbecoming that Fervour would be in a Judge, which perhaps was commendable in a *Prosecutor*: Judges we are now, and must put on another Personage. It is honest and noble to be earnest in order to the Discovery of Truth; but when that hath been brought so far as it can to Light, our Judgment thereupon ought to be calm and cautious. In prosecution upon probable Grounds, we are accountable only for our Industry or Remissness; but in Judgment we are deeply responsible to God Almighty for its Rectitude or Obliquity. In Cases of Life, the Judge is God's Steward of the Parties Blood, and must give a strict Account for every Drop.



An. 1641.

But as I told you, *Mr. Speaker*, I will not insist long upon this ground of Difference in me now, from what was formerly.

The Truth on't is, Sir, the same Ground whereupon I (with the rest of the Few, to whom you first committed the Consideration of my Lord *Strafford*) brought down our Opinion, That it was fit he should be accused of *Treason*; upon the same ground I was engaged with earnestness in his Prosecution; and had the same ground remained in that force of Belief with me, which till very lately it did, I should not have been tender in his Condemnation. But truly, Sir, to deal plainly with you, that Ground of our Accusation, that Spur to our Prosecution, and that which should be the Basis of my Judgment of the Earl of *Strafford* as unto *Treason*, is, to my Understanding quite vanished away.

This it was, *Mr. Speaker*: His advising the King to employ the Army in *Ireland* to reduce *England*. This I was assured would be proved, before I gave my consent to his Accusation. I was confirmed in the same Belief, during the Prosecution, and fortified in it most of all since Sir *Henry Vane's* preparatory Examinations, by the Assurances which that worthy Member, *Mr. Pym*, gave me, that his Testimony would be made convincing, by some Notes of what pass'd at the *Juncto*, concurrent with it; which I ever understanding to be of some other Counsellor, you see now prove but a Copy of the same Secretaries Notes, discover'd and produced in the manner you have heard; and those such disjointed Fragments of the venomous part of Discourses; no Results, no Conclusions of Counsels, which are the only Things that Secretaries should Register, there being no use of the other, but to accuse and bring Men into danger.

But Sir, this is not that which overthrows the Evidence with me, concerning the Army in *Ireland*; nor yet that all the rest of the *Juncto* upon their Oath, remember nothing of it. But this, Sir, which I shall tell you, is that which works with me, under favour, to an utter Overthrow of his Evidence, as unto that of the Army of *Ireland*. Before, whilst I was a Prosecutor, and under tye of Secresy, I might not discover any weakness of the Cause, which now, as a Judge, I must. *Mr. Secretary* was examined thrice upon Oath, at the preparatory Committee. The first time he was questioned to all the Interrogatories; and to that part of the Seventh, which concerns the Army in *Ireland*, he said positively these Words: I cannot charge him with that; but for the rest he desires time to recollect himself, which was granted him.

Some Days after, he was examined a second Time, and then deposes these Words, concerning the King's being absolved from Rules of Government, and so forth, very clearly. But being press'd to that Part, concerning the *Irish* Army, again, can say nothing to that.

Here we thought we had done with him till divers Weeks after, my Lord of *Northumberland*, and all others of the *Juncto*, denying to have heard any Thing concerning those Words, of reducing *England* by the *Irish* Army, it was thought fit to examine the Secretary once more; and then he deposes these Words to have been said by the Earl of *Strafford* to his Majesty: *You have an Army in Ireland, which you may employ here to reduce* (or some Word to that Sense) *this Kingdom*.

*Mr. Speaker*, These are the Circumstances, which I confess with my Conscience, thrust quite out of Doors that grand Article of our Charge, concerning his desperate Advice to the King, of employing the *Irish* Army here.

Let not this, I beseech you, be driven to an Aspersion upon *Mr. Secretary*, as if he should have sworn otherwise than he knew or believed; he is too worthy to do that; only let thus much be infer'd from it, That he who twice upon Oath with Time of Recollection, could not remember any Thing of such a Business, might well a third time misremember somewhat: And in this Business the difference of one Letter, *here* for *there*, or *that* for *this*, quite alters the Case; the latter also being the more probable, since it is confess'd on all Hands, that the Debate then was concerning a War with *Scotland*; and you may remember, that at the Bar he once said *to employ there*. And thus, *Mr. Speaker*, I have faithfully given you an Account, what it is that hath blunted the Edge of the *Hatchet* or *Bill* with me towards my Lord *Strafford*.

This



This was that, whereupon I accused him with a free Heart, prosecuted him with Earnestness, and had it to my Understanding been proved, should have condemned him with Innocence; whereas now, I cannot satisfy my Conscience to do it. I profess, I can have no Notion of any Bodies Intent to subvert the Laws, but treasonably, or by force; and this Design of Force not appearing, all his other wicked Practices cannot amount so high with me.

I can find a more easy and more natural Spring, from whence to derive all his other Crimes, than from an Intent to bring in Tyranny, and to make his own Posterity, as well as us, *Slaves*; as from Revenge, from Pride, from Avarice, from Passion, and Insolence of Nature.

But had this of the *Irish* Army been proved, it would have diffused a Complexion of Treason over all; it would have been a *With* indeed, to bind all those other scattered and lesser *Branches*, as it were into a *Faggot* of Treason.

I do not say but the rest may represent him a Man as worthy to die, and perhaps worthier than many a Traytor. I do not say, but they may justly direct us to Enact, that they shall be Treason for the future.

But God keep me from giving Judgment of Death on any Man, and of Ruin to his Innocent Posterity, upon a Law made *A Posteriori*.

Let the *Mark* be set on the Door, where the Plague is, and then let him that will enter, die.

I know, Mr. *Speaker*, there is in Parliament a double Power of Life and Death, by Bill; a *Judicial* Power, and a *Legislative*: The Measure of the one, is what's Legally Just; of the other, what is Prudentially and Politickly fit for the Good and Preservation of the whole. But these two, under favour, are not to be confounded in Judgment. We must not piece up want of Legality with Matter of Convenience; nor the Defailance of Prudential Fitness, with a Pretence of Legal Justice.

To condemn my Lord of *Strafford* Judicially as for Treason, my Conscience is not assured that the Matter will bear it. And to do it by the *Legislative* Power, my Reason consultively cannot agree to that, since I am persuaded, neither the Lords, nor the King will pass the Bill, and consequently that our passing it will be a Cause of great Divisions and Combuitions in the State.

Therefore my humble Advice is, that laying aside this Bill of *Attainder*, we may think of *another*, saving only Life, such as may secure the State from my Lord of *Strafford*, without endangering it as much by Division concerning his Punishment, as he hath endangered it by his Practices.

If this may not be hearkened unto, let me conclude in saying that to you all which I have thoroughly inculcated to mine own Conscience upon this Occasion. Let every Man lay his Hand upon his own Heart, and sadly consider what we are going to do with a Breath, either *Justice* or *Murther*; Justice on the one Side, or Murther heightened and aggravated to its supremest Extent. For, as the *Casuists* say, that he who lies with his Sister commits Incest, but he that marries his Sister sins higher, by applying God's Ordinance to his Crime; so doubtless, he that commits Murther with the Sword of Justice, heightens that Crime to the utmost.

The Danger being so great, and the Case so doubtful, that I see the best Lawyers in diametrical Opposition concerning it: Let every Man wipe his Heart, as he does his Eyes, when he would judge of a nice and subtle Object: The Eye, if it be pretincted with any Colour, is vitiated in its discerning. Let us take heed of a *Blood-shotten Eye* of Judgment.

Let every Man purge his Heart clear of all *Passions* (I know this Great and Wise Body Politick can have none; but I speak to Individuals, from the Weakness which I find in my self.) Away with Personal Animosities, away with all Flatteries to the People, in being the sharper against him, because he is odious to them; away with all Fears, lest by the sparing his Blood they may be incensed; away with all such Considerations, as that it is not fit for a Parliament, that one Accused by it of Treason should escape with Life. Let not former Vehemence of any against him, nor fear from thence, that he cannot be safe while that Man lives, be an Ingredient in the Sentence of any one of us.

16 Caroli.



An. 1641.

Of all these Corruptions of Judgment, Mr. *Speaker*, I do, before God, discharge my self, to the uttermost of my Power. And do with a clear Conscience, wash my Hands of this Man's Blood, by this solemn Protestation, That *my Vote* goes not to the taking of the Earl of *Strafford's* Life.

Exceptions being taken to this Speech, it was moved, that the Lord *Digby* Explain himself touching some Passages therein to Morrow Morning.

April 20.

A Report made concerning Mr. *Pryn's* Case.

*Resolved upon the Question,*

Resolves concerning Mr. *Pryn*.

1. That the Sentence given against Mr. *Pryn* in the *Star-Chamber*, February 17. Anno 9. Car. is *Illegal*, and given without just Cause, and ought to be *reversed*; and that Mr. *Pryn* ought to be discharged of the Fine of 5000 l. imposed by the said Sentence, and of all Extents thereupon, and of his Imprisonment, Decreed by that Sentence.

2. *Resolved*, That Mr. *Pryn* ought to be restored to his *Degrees* in the University of *Oxford*, and to the Society of *Lincoln's-Inn*, and to the Exercise of his Profession of an Utter Barrister at Law, and to his Chamber again at *Lincoln's-Inn*.

3. *Resolved*, That Mr. *Pryn* ought to have *Reparation* for such Damages and Prejudice as he hath sustained, by the said Sentence and Proceedings.

4. *Resolved*, &c. That the Sentence given against Mr. *Pryn* in the *Star-Chamber* 14 Junii, 1637, Anno 13. Car. is *Illegal*, and given without any just Cause, and therefore ought to be *revers'd*; and that he ought to be discharged of the Fine and Imprisonment thereby Decreed; and that he ought to have *Reparation* and *Recompence* for the Damages sustained by that Sentence, and the Execution thereof.

5. That the Warrant, Dated 27. Aug. 13. Car. for the Transportation of Mr. *Pryn*, from *Carnarvan* Castle to the Isle of *Jersey*, and his Imprisonment there, and other Restraints therein mentioned, are against the Law and Liberty of the Subject; and that he ought to be discharged of that Imprisonment, and to have *Reparations* for the Damages sustained thereby.

6. *Resolved*, &c. That the Imprisonment of Mr. *Pryn*, by a Warrant Dated 1st. Feb. 1632. under the Hands of *Thomas Lord Coventry*, Lord Keeper of the Great Seal of *England*, *Richard Lord Archbishop of York*, *Henry Earl of Manchester*, *Edward Earl of Dorset*, *Henry Lord Viscount Falkland*, *William Lord Bishop of London*, *Edward Lord Newburgh*, and *Sir Thomas Jermin*, is *Unjust* and *Illegal*, and that they ought to give Mr. *Pryn* Satisfaction for the Damages sustained by his Imprisonment.

It was further Ordered, That a Charge be drawn up against Doctor *Heylin*, touching the promoting the Suit in *Star-Chamber* against Mr. *Pryn*.

April 21.  
Dr. *Leighton*.

Mr. *Rouse*, Reports the Case of Doctor *Leighton*; upon which it was *Resolved upon the Question*,

1. That the Attaching, Imprisoning, and Detaining Doctor *Leighton* in Prison, by Warrant from the High Commissioners, is *Illegal*.

2. *Resolved*, &c. That the breaking up of Doctor *Leighton's* House, and the taking away his Papers, by *Edward Wright*, then Sheriff of *London*, and now Lord-Mayor, is *Illegal*.

3. *Resolved*, &c. That the said *Edward Wright*, then Sheriff, and now Lord Mayor of *London*, ought to give *Reparations* to Doctor *Leighton* for his Damages sustained by the breaking open his House,



House, and taking away his Papers and other Goods, as afore-  
said. 16 *Caroli.*

4. *Resolved, &c.* That the Archbishop of *Canterbury*, then Bishop of *London*, ought to give Satisfaction to Dr. *Leighton*, for his Damages sustained by Fifteen Weeks Imprisonment in *Newgate*, upon the said Bishop's Warrant.

5. *Resolved, &c.* That the Great Fine of 10000 *l.* laid upon Doctor *Leighton*, by Sentence in the *Star-Chamber*, is Illegal.

6. *Resolved, &c.* That the Sentence of Corporal Punishment imposed upon Doctor *Leighton*, the Whipping, Branding, Slitting the Nose, Cutting off his Ears, Setting in the Pillory, and the Execution thereof, and Imprisonment thereupon, are Illegal.

7. *Resolved, &c.* That Doctor *Leighton* ought to be freed from the Great Fine of 10000 *l.* and from the Sentence of Perpetual Imprisonment, and to have his Bonds delivered to him, which he entred into for his true Imprisonment.

8. *Resolved, &c.* That Doctor *Leighton* ought to have good Satisfaction and Reparation, for his great Sufferings and Damages, sustained by the Illegal Sentences in the *Star-Chamber*.

Two Petitions, one from the County of *Nottingham*; another from the County of *Lancaster*, against the Hierarchy, were Read, and Referred to the Committee for the Ministers Remonstrance.

The Lords agree to hear the Commons in *Westminster-Hall*, at Eight of the Clock on *Saturday* next, touching the Matter of Law, in the Business of the Earl of *Strafford*, and the Lawyers of the House are required to be there.

Mr. *Sollicitor* is enjoined by the House, to maintain the Legal Part of the Bill of Attainder, against *Thomas* Earl of *Strafford*, on *Saturday* next, and Mr. *Maynard*, and Mr. *Glyn* are joyned to him as Assistants.

The House being informed, that a Paper of Consequence (being the Minutes of the Council discovered by Sir *Henry Vane* aforesaid) was taken out of the Chamber where the Secret Committee do usually meet, which did relate to the Earl of *Strafford's* Business: It was referred to a Committee, to examine the Matter, who agreed upon a *Protestation*, to be made by every one of the Secret Committee; which being reported by Mr. *Martin*, was as followeth.

" I do solemnly Affirm and Protest, in the Presence of God and this  
" Assembly, That I did not, directly or indirectly, take, carry, or con-  
" vey away the Paper in Question, supposed to be lost or taken away  
" from the House where Mr. *Pym* Lodges; nor know who did take,  
" carry, or convey away the same. Nor have seen the same since it was  
" lost or taken away. And this Protestation I make sincerely and truly,  
" without any mental Reservation or Equivocation.

Sir *Walter Earl*, Sir *John Clotworthy*, the Lord *Digby*, Mr. *Pym*, and Mr. *Grimston*, did, all in their Places, solemnly take this *Protestation*.

Likewise the Exceptions taken by divers at the Lord *Digby*, for many Passages in the before-recited Speech of his, delivered at the passing of the Bill of Attainder of the Earl of *Strafford*, being now again objected against him, the said Lord *Digby*, in his Place, explained himself, touching those several Passages, and there was no more done at this time thereupon.

Mr. *Edward Hide* Reports the Case of the Court of *York*; whereupon it was Resolved, That the Commission, and Instructions, whereby the

Matter of Law  
concerning  
the Earl of  
*Strafford*, to  
be Argued by  
Council.  
April 22.

April 23.  
Paper of Mi-  
nutes taken  
away.

April 24.  
Court of *York*.



An. 1641.

the President and Council in the *North* exercised a Jurisdiction, is illegal both in Creation and Execution, and that it is unprofitable to his Majesty, and inconvenient and grievous to his Majesty's Subjects in those Parts.

And Mr. *Hide* was appointed to manage the Conference with the Lords touching the said Court; where he delivered the following Speech.

*Mr. Edward Hide his Speech at a Conference of both Houses of Parliament, concerning the President and Council of the North, and the Court held at York, April 22, 1641.*

My Lords,

Mr. *Hide's*  
Speech about  
the Court of  
*York*.

I Am commanded by the Knights, Citizens, and Burgesses of the House of Commons, to present to your Lordships a great and crying Grievance; which though it be complained of in the present Pressures but by the *Northern* Parts, yet by the Logick and Consequence of it, it is the Grievance of the whole Kingdom. The Court of the President and Council of the *North*; or, as it is more usually called, the Court of *York*; which by the Spirit and Ambition of the Ministers, trusted there, or by the natural Inclination of Courts to enlarge their own Power and Jurisdiction, hath so prodigiously broken down the Banks of the first Channels in which it ran, hath almost overwhelmed that Country under the Sea of Arbitrary Power, and involved the People in a Labyrinth of Distemper, Oppression and Poverty.

Your Lordships will give me leave, not with Presumption to inform your great Understandings, but that you may know what moved the House of Commons to their Resolutions to remember your Lordships of the Foundation and erecting this Court, and of the Progress and Growth of it.

Your Lordships well know, that upon the Suppression of all Religious Houses to such a Value, in the Seven and Twentieth Year of *H. 8.* from that time to the Thirtieth Year of that King's Reign, many (not fewer than Six) Insurrections and Rebellions were made in the *Northern* Parts, under Pretence of that Quarrel, most of them under the Command of some Eminent Person of that Country; the which being quieted before the end of the Thirtieth Year, that great King, well knowing his own Mind, and what he meant to do with the great Houses of Religion, in the Year following, for prevention of any Inconvenience that might ensue to him upon such Distemper, in the One and Thirtieth Year of his Reign, granted a Commission to the Bishop of *Landaff*, the first President, and others, for the quiet Government of the County of *York*, *Northumberland*, *Cumberland*, and *Westmorland*, the Bishoprick of *Durham*, the Counties of the Cities of *York*, *Kingston upon Hull*, and *Newcastle upon Tyne*. But, my Lords, this Commission was no other than a Commission of Oyer and Terminer, only it had a Clause at the end of it, for the hearing of all Causes Real, and Personal, *Quando ambe partes, vel altera pars sic gravata paupertate fuerit, quod commodè jus suum secundum legem Regni nostri aliter persequi non possit*, which Clause, how illegal soever (for that it is illegal and void in Law, little doubt can be made;) yet whether they exercised that part of the Commission at all, or so sparingly exercised it, that poor People found Ease and Benefit by it, I know not; but at that time I find no Complaint against it. Till the coming in of King *James* the Commission continued still the same; and that in the first Year of his Reign, to the Lord *Sheffield*, varied no otherwise from the former; save only it had reference to Instructions which should be sent, though whether any were sent or no, is uncertain, for we can find none.

In *June*, in the Seventh Year of the Reign of King *James*, a new Commission was granted to the same Man (the Lord *Sheffield*) very differing from all that went before; it being left out, That they should enquire, *per Sacramentum bonorum & legalium hominum*, and to hear and determine *Secundum leges Angliæ*; relation being had only to the Instructions; which were the first Instructions

we



we can find were sent thither; though I told your Lordships there were some mentions of some in 1 *Jac.* I shall not trouble your Lordships with these Instructions, nor with the other that followed in 14 *Jacobi* to the same Man, nor in 16 *Jacobi*, when a new Commission was granted to my Lord *Sunderland*; nor indeed with any, till we come to these present Instructions and Commissions, under which that part of the Kingdom groans and languisheth.

My Lord of *Strafford* came to that Government in *December*, 4 *Caroli*; and since, the Commission hath been three several times renewed; in the Fifth Year in *March*, in the Eighth in *November*, and in the Thirteenth Year of his Majesty's Reign; into that Commission of 8 and 13, a new Clause screwed in, for the granting, sequestering and establishing Possessions; according to Instructions, crowded, in a Mass of new, exorbitant and intolerable Power. Though our Complaint be against this Commission it self, and against the whole Body of those Instructions, I shall not mispend your Lordships precious time, in desiring to have the whole read, but shall presume to trouble your Lordships only with Five or Six of these Instructions, that by the vast Irregularity of those, your Lordships may judge how insupportable the whole Burthen is. I shall not trouble your Lordships with the Ninth Instruction, though it be but short, which introduceth that *Miseram servitutem ubi jus est vagum & incognitum*, by requiring an Obedience to such Ordinances and Determinations, as be or shall be made by the Council-Table, or High Commission-Court: A Grievance, my Lords, howsoever *consuetudo & peccatum claritas nobilitaverit hanc culpam*, of so transcendent a Nature, that your Lordships noble Justice will provide a Remedy for it, with no less care than you would rescue the Life and Blood of the Commonwealth.

Read the 19, 22, 23, 24, 29, and 30. I will not trouble your Lordships with reading more, there being among them in the whole 58 Instructions, scarce one that is not against, or besides the Law.

Whether his Majesty may Canton out a Part of his Kingdom to be tryed by Commission, though according to the Rules of Law, since the whole Kingdom is under the Laws and Government of the Courts established at *Westminster*; and by this Reason the several Parts of the Kingdom may be deprived of that Privilege, will not be now the Question. That his Majesty cannot by Commission erect a new Court of *Chancery*, or a proceeding according to the Rules of the *Star-Chamber*, is most clear to all who have read *Magna Charta*; which is allowed no Proceedings, *nisi per legale judicium parium & per legem terræ*. For our Court of *Chancery* here by long Usage and Prescription is grown to be, as it were, *lex terræ*. But, my Lords, the Thirtieth Instruction goes further, and erects such an Empire, such a Dominion as shall be liable to no contrary.

The Courts of *Westminster*, my Lord, have Superintendencies over all Inferior Courts to regulate their Jurisdictions, if they exceed their Limits. As to hold Plea of greater Value; or the like in his Exercise of Jurisdiction, the Judges are sworn to grant and send Prohibitions; and to stop the granting of these Prohibitions, or to neglect them when they are granted, is the greatest and boldest scorn of the Law and the Law-makes, that can be imagined.

The King's Courts at *Westminster*, having been always of that awful and reverent Esteem, with inferior Judges, that the Instances of such Contempts against them, are very rare and exemplary in the Punishment.

The Bishop of *Norwich* in *Trinity Term*, in the Twentieth Year of *Edward the Third*, in *Rot.* 289. in the *Common Pleas*; in *Hillary Term* 21. in the King's *Bench*, was attached for disobeying a Prohibition at the Suit of *Stracil*. Upon full and solemn discussion of the whole Matter, the Court resolved, That the Proceedings of the Bishop were, *inobedientiam & diminutionem Domini, & Potestatis Regie, autoritatis sue rejectionem, & Corona sua exhereditationem manifestam*, &c. as the Words of the Records are; and therefore adjudged the Temporalties of the Bishop to be seized into the King's Hand, and great, very great Damages to be paid to Plaintiffs. And whosoever gave Directions for these stout Instructions, might have remembered, that no longer since than *Michaelmas*, in the Seventh Year of *Elizabeth*, *Rot.* 31. an Attachment was granted against the Archbishop of *York*, then President of that Council, for forbidding the Goaler of *York* to deliver one *Lambert* his Prisoner, who was sent for by a *Habeus Corpus* from the King's *Bench*; and if they would have believed the Resolution



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of all the Judges in *England* in *Trinity Term*, in the Sixth Year of King *James*, they would have known how unfit it had been to enlarge that Jurisdiction, since most of their Proceedings, being of an inferior Nature to what they are now grown, were then declared to be illegal, and inconsistent with the Liberty of the Subject.

And can such a Court as this, *my Lords*, deserve to live? What a compendious Abridgment hath *York* gotten of all the Courts in *Westminster-Hall*? Whatsoever falls within the Cognizance or Jurisdiction of either Courts here, is compleatly determinable within that one Court at *York*, besides the Power it hath with the Ecclesiastical and High-Commission Courts.

What have the good *Northern* People done, that they only must be disfranchised of all their Privileges by *Magna Charta*, and the Petition of Right? For to what purpose serve these Statutes, if they may be fined and imprisoned without Law, according to the discretion of the Commissioners? What have they done that they, and they alone of all the People of this happy Island, must be disinherited of their Birth-right, of their Inheritance? For Prohibition, Writs of *Habeas Corpus*, Writs of Error, are the Birth-right, the Inheritance of the Subjects.

And 'tis here worth your Lordships Observation, that to those many Prohibitions which have been granted from above (for till of late the Court of *York* had not the Courage to oppose Prohibitions; nor indeed till our Courts here had not the Courage to grant them) 'twas never known that Court pleaded the Jurisdiction of their Council; which without doubt they would have done upon the Advantage of many great Persons, in whose Protection they have always been, had they not known the Law could not be misinterpreted enough to allow it.

Your Lordships remember the Directions I mentioned of *Magna Charta*, That all Proceedings shall be *per legale iudicium parium, & per legem terræ*; now these Jurisdictions tell you, you shall proceed according to your Discretion, that is, you shall do what you please; only that we may not suspect this Discretion will be gentler and kinder to us than the Law, special Provision is made, no Fine, no Punishment shall be less than by the Law is appointed by no means, but as much greater as your Discretion shall think fit: And indeed in this Improvement we find Arbitrary Courts are very pregnant. If the Law require my good Behaviour, this Discretion makes me close Prisoner; if the Law sets me upon the Pillory, this Discretion appoints me to leave my Ears there.

But this Proceeding according to Discretion is no new Expression, 'twas in the First Commission I told your Lordships of in the 31 of *H. 8.* that they should proceed *secundum legem & consuetudinem Regni Angliæ, vel aliter secundum sanas discretionēs vestras*; which in the Interpretation of the Law (and that is the best Interpretation) signifies the same Thing. To proceed according to Discretion, is to proceed according to Law, which is *summa discretio*; but not according to their private Conceit or Affection; for *talis discretio* (saith the Law) *discretionem confundit*; and such a Confusion hath this Discretion in these Instructions produced, as if Discretion were only removed from Rage and Fury. No Inconvenience, no Mischief, no Disgrace, that the Malice, or Insolence, or Curiosity of these Commissioners had a mind to bring upon that People, but through the Latitude and Power of this Discretion hath been the Quicksand which hath swallowed up their Property, their Liberty. I beseech your Lordships rescue them from this Discretion.

Besides, The Charge that this Court is to His Majesty, which is near 1300 *l. per Annum*, your Lordships will easily guess, what an unsupportable burthen, the many Officers (whose Places are of great Value) the Attorneys, Clerks, and Registers, and above 1000 Solicitors, that attend the Courts, must be to that People (insomuch) that in truth, the Country seems to be divided into Officers and Dependants upon that Court; and the People upon whom these Officers of that Court prey and commit Rapines, as he said in *Petronius*, *Omnes hic aut captantur, aut captant; aut cadavera quæ lacerentur, aut corvi qui lacerent*. Truly, my Lords, these vexed, worn People of the *North*, are not Suitors to your Lordships, to regulate this Court, or to reform the Judges of it, but for extirpating these Judges, and the utter abolishing this Court; They are of *Cato's* Mind, who would not submit to *Cæsar* for his Life, saying,



saying, He would not be beholden to a Tyrant for Injustice, for it was Injustice in him to save a Man's Life, over whom he had no Power.

So these Gentlemen desire not to be beholden to this Court hereafter for Injustice.

The very Administration of Injustice, founded upon such illegal Principles, being a Grievance and Oppression to the Subject.

First, Upon the whole Matter, the House of Commons is of Opinion, that the Commission and Instructions, whereby the President and Council of the North exercise a Jurisdiction, is Illegal, both in the Creation and Execution.

Secondly, That it is unprofitable to His Majesty; for, besides so much, near Thirteen Hundred Pounds, taken out of His Majesty's Revenues every Year; His Majesty loseth the great Benefit would accrue to him, upon Writs and upon Fines, upon Outlawries and other Profits, which redound to His Majesty out of his Courts here.

And which I had almost forgot to tell your Lordships of, That His Majesty may be sure to have Benefit from that Court, notable care is taken, by the Fifty three Instructions, that if any Money remains over and above all Disbursements, it shall be bestowed in providing Household-Stuff and Furniture for the House where the Lord President and Council use to be.

And Lastly, That it is inconvenient, and grievous to His Majesty's Subjects of those Parts.

And therefore, they are humble Suitors to your Lordships, and the House of Commons on this Behalf, that since this People do, and have, in all Matters of Duty and Affection, contended with the best of his Majesty's Subjects, that they may not be distinguished from them, in the manner of His Majesty's Justice and Protection, since this Court originally instituted and continued by His Majesty, for the Ease and Benefit of his Subjects, is apparently inverted to the Burthen and Discomfort of them, that your Lordships will joyn with the House of Commons, in beseeching His Majesty, that the present Commission may be revoked, and no more such granted for the future.

This Day a Petition directed to both Houses, was delivered to the Lords and Commons, from divers Citizens of London, the Copy whereof follows.

April 24.

*To the most Honourable Assembly of the Lords and Commons in this present Parliament.*

*The Humble Petition of divers Citizens of London,*

*Sheweth,*

**T**HAT notwithstanding His Majesty's Gracious Answer to the Humble Petition of his Loyal Subjects, in Summoning this Parliament, with the great Care and endeavoured Pains taken by both Houses, for the removing the heavy Grievances in Church and Commonwealth, whereof the Petitioners have already received some Fruit, for which they desire to return their most humble and utmost Thanks: Yet nevertheless they are enforced, with all Humility, to represent to this most Honourable Assembly, some of those Obstructions which do still hinder that Freedom and Fulness of Trade in this City they have formerly had, and without which, considering the numerous Multitudes thereupon depending, they conceive this City cannot comfortably subsist.

As the unsettled Condition of the Kingdom, ever since the Troubles in Scotland, hath caused both Strangers, and also some of our own, who did furnish great Sums of Money to Use, to call it in, and remit much of

Petition of divers Citizens of London, to both Houses of Parliament, Apr. 24. setting forth Grievances and Fears.



An. 1641.

it by Exchange into Foreign Parts, and stand now in Expectation of what the Issue of Things may be.

The stopping Money in the Mint, which till then was accounted the safest Place, and surest Staple in these Parts of the World, still doth hinder the Importation of Bullion; the *Scots* now disabled to pay such Debts as they owe to the Petitioners and others in the City; and by reason of the Oppressions exercised in *Ireland*, their Debts also are detained there.

The *English* Trade, by reason of our general Distractions and Fears, is so much decayed, that Country Tradesmen cannot pay their Debts in *London* as formerly.

The great Sums of Money unduly taken by his Majesty's Officers and Farmers, for Impositions upon Merchandize exported and imported, and the want of Relief in Courts of Justice against them.

The drawing out from the City great Sums of Money, (which is the Life and Spirit of Trade) for his Majesty's Service in the *North*; and being there employed, is not yet returned.

Besides all which, from what strong and secret Opposition, the Petitioners know not, they have not received what so much Time and Pains might give them Cause to hope, but still Incendiaries of the Kingdom, and other notorious Offenders, remain unpunished. The Affairs of the Church, notwithstanding many Petitions concerning it, and long Debate about it, remain unsettled: The Papists still armed, the Laws against them not executed; some of the most Active of them still at Court; Priests and Jesuits not yet banished; the *Irish* Popish Army not yet disbanded; Courts of Justice not yet reformed; and the Earl of *Strafford*, who, as now appears, hath counselled the plundering of this City, and putting it to Fine and Ransom, and said, it would never be well till some of the Aldermen were hang'd up, because they would not yield to illegal Levies of Moneys, had so drawn out and spent this Time in his Business, to the very great charge of the whole Kingdom, and his endeavour to obtain yet more; all which makes us fear there may be Practices now in Hand to hinder the Birth of your great Endeavours; and that we lie under some more dangerous Plot than we can discover.

All which Premisses, with the Fears and Distractions growing therefrom, and from Things of the like Nature, the Petitioners humbly offer to the most grave Consideration of this most Honourable Assembly, as being the true Causes of Decay of Trade, Discouragement of Tradesmen, and of the great Scarcity of Moneys, with the Consequences they labour under.

And do humbly pray, That their said Grievances may be redressed, the Causes of their Fears removed, Justice executed upon the said Earl, and other Incendiaries and Offenders; the rather, in regard till then the Petitioners humbly conceive, neither Religion, nor their Lives, Liberties, or Estates can be secured.

*And, as in Duty bound, they shall ever Pray, &c.*

20000 Hands  
to the Petition.

Twenty Thousand Persons, said to be of good Rank and Quality, subscribed this Petition.

After the same was read and considered, the Lord *Russel* was sent by the Commons to go up to the Lords with this Message, to desire a Conference by a Committee of both Houses, concerning a Petition from divers Citizens of *London*, directed to both Houses of Parliament.







An. 1641.

l.

l.

## Worcester Diocese.

Dean of Worcester, 1000  
 . . . . . Smith, Proctor, 1000  
 Archdeacon, 300  
 Two Clerks Proctors —

## Salisbury Diocese.

Dean of Salisbury, 1000  
 Proctor for the Chapter, 1000  
 Archdeacon Barks, 300  
 Chafin, D — Proctors, each 200

## Coventry and Litchfield.

Dean, —  
 Proctor, —  
 Archdeacon Stafford, —

## Gloucester Diocese.

Dean of Gloucester, 500  
 Proctor for the Chapter, 500  
 Archdeacon of Gloucester, 500  
 Proctor for Clergy, 200

## Exeter.

Dean of Exeter, 2000  
 Proctor, 1000  
 Archdeacon, 300  
 Arch. Cornwall, 300  
 Arch. Totnes, 300  
 Arch. Banstable, 300  
 Two Clerks, —

## Norwich.

Dean of Norwich, 500  
 Proctor, 500  
 Archdeacon, 300  
 Arch. Suffolk, 300  
 Arch. Suffolk, 300  
 Two Proctors, 200

## Asaph.

Dean of St. Asaph, 500  
 Proctor, 500  
 . . . . . 300  
 Two Proctors, 200

## Bath and Wells.

Dean of Bath and Wells, 1000  
 Proctor, 1000  
 Archdeacon, Wells 300  
 Archdeacon, Bath, 300  
 Two Proctors, 200

## Oxford.

Dean of Christ-Church, 1000  
 Proctor, 1000  
 Archdeacon of Oxford, 300  
 Two Clerks Proctors, 00

## Hereford.

Dean of Hereford, 1000  
 Proctor, 1000  
 Archdeacon, 300  
 Archdeacon, Saly, 300  
 Two Proctors, 200

## Ely.

Dean of Ely, 1000  
 Proctor, 1000  
 Archdeacon Ely, 300  
 Proctors, 200

## St. Davids.

Dean of St. Davids, 500  
 Proctor, 500  
 Archdeacon, 300  
 Archdeacon, Carmarthen 300  
 Brecknock, 300  
 Cardigan, 300  
 Proctors, St. Davids, 200

## Bristol.

Dean of Bristol, 500  
 Proctor, —

## Bangor.

Dean of Bangor, 500  
 Proctor, 500  
 Archdeacon, 500  
 . . . . . 300



| l.                               |      | l.                                   |      | 16 Caroli. |
|----------------------------------|------|--------------------------------------|------|------------|
| <i>Merioneth.</i>                |      | Proctor, <i>Peterborough,</i>        | 200  |            |
|                                  |      | <i>Llandaff.</i>                     |      |            |
| Archdeacon,                      | 500  | Dean of <i>Llandaff,</i>             | 500  |            |
| Two Clerks,                      | 200  | Proctor,                             | 500  |            |
| <i>Rocheſter.</i>                |      | Two Proctors,                        | 200  |            |
| Dean of <i>Rocheſter,</i>        | 500  | <i>Lincoln.</i>                      |      |            |
| Proctor,                         | 500  | Dean of <i>Lincoln,</i>              | 1000 |            |
| Archdeacon,                      | 500  | Proctor,                             | 1000 |            |
| Proctors, Diocels,               | 200  | Archdeacon,                          | 300  |            |
| <i>Chicheſter.</i>               |      | Archdeacon of _____                  | —    |            |
| Dean of <i>Chicheſter,</i>       | 1000 | Archdeacon of <i>Leiceſtershire,</i> | —    |            |
| Proctor,                         | 1000 | <i>Huntington,</i>                   | —    |            |
| Archdeacon of <i>Chicheſter,</i> | 300  | <i>Bedford,</i>                      | —    |            |
| Archdeacon <i>Hewes,</i>         | 300  | <i>Westminſter.</i>                  |      |            |
| .....                            | 200  | Dean of <i>Westminſter,</i>          | 1000 |            |
| <i>Peterborough.</i>             |      | <i>Windsor.</i>                      |      |            |
| Dean of <i>Peterborough,</i>     | 500  | Dr. <i>Wren,</i>                     | 1000 |            |
| <i>Pocklington,</i> Proctor,     | 500  | Proctor,                             | 500  |            |
| Archdeacon, <i>Northampton,</i>  | 500  |                                      |      |            |

Further enacted, That all the Clergy in the Province of *York*, ſhall incur theſe Fines:

| l.                              |     | l.                     |      | <i>Durham.</i> |
|---------------------------------|-----|------------------------|------|----------------|
| Archbiſhop of <i>York</i> , &c. | —   | Dean of <i>Durham,</i> | 1000 |                |
| Archdeacon of <i>York,</i>      | —   | Proctor,               | —    |                |
| Archdeacon, <i>East-Riding,</i> | —   | Archdeacon,            | —    |                |
| Proctors,                       | 200 | <i>Morecroft,</i>      | 200  |                |
| Proctor, <i>Southwell,</i>      | —   | <i>James,</i>          | —    |                |

In the Draught of the Bill, of which this is a ſhort Abſtract, it was further ſpecified, That the ſeveral Fines ſhall be paid to the Earls therein named, or any four or more of them, to the Uſe hereafter named.

And if the Fines be unpaid, That it is then lawful for thoſe Lords to receive all the Rents and Profits belonging to any of the Archbiſhops or Biſhops, Deans or Archdeacons, till all be paid in.

To appoint ſome Place in *London*, where this Money ſhall be paid in.

To allow Salary for Attendance of Perſons employ'd.

Any four of them to call before them the Auditors of any of thoſe ſo charged, to know the true Value of any Rents belonging unto them.

And the ſaid Money ſo received, ſhall be diſburſed for Relief of the King's Army and *Northern* Parts, or to ſuch Uſes as by Parliament ſhall be declared.



An. 1641.

April 7.  
Ecclesiastical  
Courts.  
John James.

Message.

April 28.  
Motives for a  
Fast.To send for  
Records.Report, That  
Strafford de-  
signs an  
Escape.King's Speech  
Wednesday,  
April 28.

A Bill for regulating Abuses in Ecclesiastical Courts, was read the First Time.

A Bill for the Forfeiture of the Lands and Hereditaments of *John James*, and for his further Punishment, for stabbing Justice *Heywood*, was read a Second Time, and committed.

Mr. Treasurer informs the House, That the King expects both Houses To-morrow at Two of the Clock, to attend him at the *Banqueting-House* at *White-Hall*, to receive his Answer about disbanding of the *Irish Army*, disarming of Recusants, and removing them from Court.

A Report was this Day made from the Committee, for a *Fast*, of the Motives thereunto, *viz.* That notwithstanding our former Humiliations, many Dangers and Fears yet remained, small Progress in Affairs either in Church or State; after many laborious Endeavours, the multitudes of Evils both in Church and Commonwealth generally complained of, which require a great and general Humiliation, for the averting God's Judgments justly due to us, and particularly threatned in a contagious Sicknes now begun amongst us; the obtaining of good Success in the Reformation of the Church now generally desired and expected; an happy and settled Peace between the two Kingdoms; God's Blessing and Direction of his Majesty, and the whole Parliament, and great Affairs of the Church and Commonwealth.

*Ordered*, That Mr. Solicitor have Power to send for Records to maintain the Point of Law against the Earl of *Strafford*.

Mr. *Hide* went up to the Lords with a Message, That the House hath received Information, which hath moved some fear in them, *That the Earl of Strafford may have a Design to make an Escape*: That he hath Ships at Saa at Command; and that the Guard about him is weak, and therefore desire their Lordships, That he may be *close Prisoner*, and his Guards strengthened; to which the Lords consent.

Both Houses this Afternoon waiting on his Majesty (according to his Appointment) at *White-Hall*; he was pleased to return his Royal Answer to their Desires before intimated unto him, in the Words following:

*My Lords and Gentlemen,*

**F**OR Answer to your Desires, I say,  
*First*, Concerning the removal of *Papists* from Court, I am sure you all know what legal Trust the Crown hath in this particular; and therefore I need not say any thing to give you Assurance, That I shall use it so, that there shall be no just Cause of Scandal.

*Secondly*, For disarming of *Papists*, I am very well content it shall be done according to Law.

*Thirdly*, For the *Irish Army*, you must understand I am already upon Consultation how to disband it; but I find many Difficulties in it: Therefore I hold it not only fit to wish it, but to shew the way how it may be conveniently done.

This is not all I desire; but since you have mentioned the disbanding of Armies, it is my Duty to my Country to wish for disbanding of all Armies, and to restore the same Peace to all my Three Kingdoms, that the King my Father did leave them in: And I conjure you, as you will Answer the same to God and to the Country, to join with me heartily and speedily, for the disbanding of the two Armies in *England*: To which end, there are two things requisite; Money, and the Conclusion of the *Scots Treaty*. You are Masters of the one, and with me, you are Judges of the other; this being a fit Time to put you in Mind of it, because you have now all the Treaty before you. I assure you none of you shall shew more Industry and Willingness for the setting all Things in a peaceable Way than my Self.

The



The Bill for destroying *Turkish* Pirates, read the Third Time, and passed. 16 Caroli.

The Committees for the Ministers Remonstrance and *Chester*-Petition, to meet. April 29.

The Speaker to report To-morrow Morning the King's Answer, touching the disbanding of the *Irish* Army, &c.

Upon the Petition of several Reformado-Officers of his Majesty's Army, it was April 30.

Ordered, That the said Reformado-Officers have a Month's Pay first Paid unto them.

Ordered, That the Remonstrance of the State of the Kingdom, and Petition, be reported To-morrow. Remonstrance

That Mr. Solicitor be required from this House, to bring in a perfect Copy of his Argument Yesterday in *Westminster-Hall*, about the Earl of *Strafford*; and likewise, That Mr. *Pym* bring in a Copy of his Speech there spoken. Speeches.

Instructions for the Preservation of Timber-Trees were read; and, Saturday, May

Ordered, That Mr. Treasurer shall present the same to his Majesty; with a Desire from this House, That Commissions may Issue forth according to these Instructions. Timber Trees

The Gentleman-Usher acquainted the Commons, That his Majesty was at the House of Peers, and expected their Attendance there; whither they being come, his Majesty made this Speech to both Houses.

*The King's Speech, in Favour of the Earl of Strafford.*

My Lords,

I Had not any Intention to have spoken to you of this Business this Day, which is the great Business of the Earl of *Strafford*, because I would do nothing that might serve to hinder your Occasions: But now it comes so to pass, That seeing of necessity I must have part in the Judgment, I think it most necessary for me to declare my Conscience therein: I am sure you all know, that I have been present at the hearing of this great Case, from the one end to the other; and I must tell you, That I cannot in my Conscience condemn him of High-Treason; it is not fit for me to argue the Business; I am sure you will not expect that; *a positive Doctrine best becomes the Mouth of a Prince*: Yet I must tell you Three great Truths, which I am sure no Body knows so well as my self: (1.) That I never had any Intention of bringing over the *Irish* Army into *England*; nor never was advised by any Body so to do. (2.) That there was never any Debate before me, neither in publick Council, nor at private Committee, of the Disloyalty of my *English* Subjects, nor ever had I any Suspicion of them. (3.) I was never counselled by any, to alter the least of any of the Laws of *England*, much less to alter all the Laws: Nay, I must tell you this, I think No-body durst ever be so impudent to move me in it; for if they had, I should have put such a Mark upon them, and made them such an Example, that all Posterity should know my Intentions by it; for my Intention was ever to govern according to Law, and no otherwise.

I desire to be rightly understood. I told you in my Conscience I cannot condemn him of High-Treason; yet I cannot say I can clear him of Misdemeanors: Therefore I hope that you may find a way for to satisfy Justice and your own Fears, and not to press upon my Conscience. My Lords, I hope you know what a tender Thing CONSCIENCE is: yet I must declare unto you, That to satisfy my People, I would do great Matters; but this of *Conscience*, no Fear, no Respect whatsoever, shall ever make me go against it. Certainly I have not so ill deserved of the Parliament at this Time, that they should press me in this tender Point; and therefore I cannot expect that you will go about it.

Nay, I must confess for Matter of Misdemeanors, I am so clear in that, that tho' I will not chalk out the Way, yet let me tell you, That I do think my Lord *Strafford* is not fit hereafter to serve me or the Commonwealth, in any Place of Trust, no, not so much as that of a Constable. Therefore I leave it to you, my Lords, to find some

May 1.



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some such way as to bring me out of this great Streight, and keep our selves and the Kingdom from such Inconveniences; certainly he that thinks him Guilty of High-Treason in his Conscience, may condemn him of Mildemeanor.

The House of Commons, as soon as they came back to their own House from the King's Speech, seem'd to be much troubled and discontented with what the King had spoken concerning the Earl of *Strafford*, and immediately adjour'd till *Monday*.

Sunday, May 2.  
Lady Mary  
married to  
the Prince of  
Orange.

This Day was solemniz'd at *White-Hall* the Marriage between the Young Prince of *Orange*, and the Lady *Mary* his Majesty's Eldest Daughter.

May 3.  
The Bill a-  
gainst Bishops  
pass'd in the  
Commons-  
House.

The Bill against the *Bishops and Clergy exercising Temporal Jurisdiction*, read a Third Time, and pass'd; and Mr. *Goodwin* Order'd to carry up this Bill, and the Bill against *Turkish Pirates*, to the Lords for their Concurrence.

That the As-  
sent to the  
Bill of Subsi-  
dies shall not  
determine  
this Session.  
Discovery of  
a Plot against  
the Parlia-  
ment.

Ordered, That Mr. *Selden*, Mr. *Whitlock*, Mr. *Glyn*, and Serjeant *Wyld*, retire immediately into the Committee Chamber to insert a Clause into the Bill of Subsidies, that neither the passing of that Bill, nor any other, shall determine this Session of Parliament.

Mr. *Pym* makes known to the House, That there are divers Informations given of desperate Designs, both at Home and Abroad, against the Parliament and the Peace of the Nation; and that the Persons engaged therein, are under an Oath of Secrecy: That there is an Endeavour to disaffect the Army, not only against the Parliament's Proceedings, but to bring them up against the Parliament to over-awe them: That there is also a Delign upon the *Tower*; and Endeavours used for the Earl of *Strafford* to Escape.

That these Combinations at Home, have a Correspondency with Practices Abroad: And that the *French* are drawing down their Forces amain to the Sea-side: And that there is a Cause to fear their Intent is upon *Portsmouth*.

That divers Persons of Eminency about the Queen, as by good Information appears, are deeply engaged in these Plots: That it is necessary, that the Ports be stopp'd; and that his Majesty be desired to Command, That no Person attending upon the King, Queen, or Prince, do depart without Leave of his Majesty, with the humble Advice of his Parliament.

Hereupon the House fell into serious Debate of this Matter; and were generally of Opinion, That it was necessary to enter into a common Resolution for the common Safety. Amongst others, Sir *John Wray* spoke thus.

#### Sir John Wray's Speech.

Mr. Speaker,

May 3.

I F ever we intend to perfect and finish the great Works we have begun, and to come to our Journey's End, let us take and follow the right Way, which is *Via tuta*: And that in a Word, is to become Holy Pilgrims (not Popish) and to endeavour to be Loyal Covenanters with God and the King; first binding our selves by a Parliamentary and National Oath (not a *Straffordian* nor a Prelatical one) to preserve our Religion entire and pure, without the least compound of Superstition or Idolatry: Next, to defend the Defender of the Faith, his Royal Person, Crown, and Dignity, and Maintain our Sovereign in his Glory and Splendor, which can never be eclipsed, if the Balance of Justice go Right, and his Laws be duly executed. Thus doing, Mr. Speaker, and making *Jerusalem* our chiefest Joy, we shall be a blessed Nation, and an happy People.



People. But if we shall let go our Christian hold, and lose our Parliament-Proof, and old *English* well-temper'd Mettal, let us take heed that our Buckler break not, our Parliaments melt not, and our Golden Candlestick be not removed; which let me never live to see, nor *England* to feel the want of.

The House at last came to a Resolution of taking a *Protestation*; which being referred to a Committee to draw up the same in Form, was approved of by the House, being in these Words.

### The PREAMBLE.

**W**E the Knights, Citizens, and Burgeses of the Commons House in Parliament, finding, to the Grief of our Hearts, that the Designs of the Priests and Jesuits, and other Adherents to the See of *Rome*, have of late more boldly and been frequently put in Practice than formerly, to the Undermining and Danger of the Ruin of the true Reformed Religion, in his Majesty's Dominions establish'd: And finding also that there have been, and having Cause to suspect there still are, even during the sitting in Parliament, Endeavours to subvert the Fundamental Laws of *England* and *Ireland*; and to introduce the Exercise of an Arbitrary and Tyrannical Government, by most pernicious and wicked Counsels, Practices, Plots, and Conspiracies; and that the long Intermision, and unhappier Breach of Parliaments, hath occasioned many illegal Taxations: Whereupon the Subjects have been prosecuted and grieved, and that divers Innovations and Superstitions have been brought into the Church; Multitudes driven out of his Majesty's Dominions, Jealousies raised and fomented between the King and his People; and a Popish Army levyed in *Ireland*; and two Armies brought into the Bowels of this Kingdom, to the hazard of his Majesty's Royal Person, the Consumption of the Revenue of the Crown, and the Treasure of this Realm. And lastly, finding the great Causes of Jealousy, that Endeavours have been, and are used to bring the *English* Army into Misunderstanding of this Parliament, thereby to incline that Army by Force to bring to pass those wicked Counsels; have therefore thought good to join our selves in a Declaration of our united Affections and Resolutions, and to make this ensuing Protestation.

### The PROTESTATION.

**I**A. B. Do in the presence of Almighty God, Promise, Vow, and Protest to Maintain and Defend as far as lawfully I may, with my Life, Power and Estate, the true reformed Protestant Religion, expressed in the Doctrine of the Church of *England*, against all Popery and Popish Innovation within this Realm, contrary to the said Doctrine; and according to the Duty of my Allegiance I will maintain, and defend his Majesty's Royal Person, Honour, and Estate.

Also the Power and Privilege of Parliaments, the Lawful Rights and Liberties of the Subjects, and every Person that shall make this Protestation, in whatsoever he shall do in the lawful Pursuance of the same; and to my Power, as far as lawfully I may, I will oppose, and by all good Ways and Means, endeavour to bring condign Punishment on all such as shall by Force, Practice, Counsels, Plots, Conspiracies, or otherwise do any Thing to the contrary in this present Protestation contained: And further, That I shall in all Just and Honourable Ways, endeavour to preserve the Union and Peace betwixt the Three Kingdoms of *England*, *Scotland*, and *Ireland*: And neither for Hope, Fear, or any other Respects, shall relinquish this Promise, Vow, and Protestation.

The Protestation taken by the House of Commons, May. 3.



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A Message  
sent to the  
Lords concern-  
ing the Plot.  
May 3.

This *Protestation* was generally taken by the Members then present, and by others afterwards, whose Names are herein after inserted.

A Committee appointed to meet presently to draw up a Letter to be sent to the Army, and to think of Provisions of Cloaths, &c. to be sent unto them; and the Letter to be sent by an Express.

And the Author of these Collections, was sent therewith accordingly.

A Message was sent to the Lords, to acquaint them, That the Commons had just Cause and Ground to suspect, that there hath been, and still is a secret Practice, to discontent the Army with the Proceedings of the Parliament, to engage them in some Design of dangerous Consequence to the State; and by some mischievous Ways, to prevent the happy Success and Conclusion of this Assembly; and to desire their Lordships, that a select Committee might be appointed to take the Examinations upon Oath, concerning this desperate Plot and Design, in the presence of some of the Commons; and to move his Majesty, in the Name of the Parliament, That upon this great and weighty Occasion, no Servant of his Majesty, the Queen, or Prince, may depart the Kingdom without leave of his Majesty, with the Advice of his Parliament, until they appear and be examined.

At the same Time the Commons passed several *Resolves*, in order to the Security of the Nation, viz. That strict Enquiry be made what Papists, Priest, and Jesuits, be now about the Town; That Fifteen hundred Barrels of Powder going to *Portsmouth* may be stayed: That the Forces in *Wiltshire* and *Hampshire* be drawn towards *Portsmouth*; and the Forces in *Kent* and *Sussex*, towards *Dover*: And they did declare, That whosoever should give Counsel or Assistance, or join any manner of way to bring any Foreign Force into the Kingdom, unless it be by Command from his Majesty, with consent of both Houses of Parliament, shall be adjudged and reputed as publick Enemies to the King and Kingdoms.

These *Resolves* the Commons made known to the Lords for their Concurrence; and also desired them to move his Majesty for the stop of the Ports; and that the Lord-Admiral should place such Trusty Commanders in the Ships, for the Security of the Nation, as they could confide in; in all which, the Lords did most readily concur.

Furthermore, the Commons did communicate to the Lords, the *Protestation* which they had taken in their House, desiring their Lordships that every Member of their House would take the same: Which *Protestation* was carried up by Mr. *Denzil Hollis*; and Mr. *Maynard*, of the House of Commons, reading the same unto the Lords, Mr. *Hollis* thereupon made this ensuing Speech.

Mr. *Denzil Hollis* his Speech to the Lords at the Delivery of the *Protestation*, May 4. 1641.

My Lords,

THE Knights, Citizens, and Burgeses of the House of Commons, having taken into their serious Consideration, the present Estate and Condition of this Kingdom; they find it surrounded with variety of pernicious and destructive Designs, Practices, and Plots against the well-being of it, nay the very Being of it; and some of these Designs hatched within our own Bowels, and Viper-like, working our Destruction.

They find *Jesuits* and *Priests* conspiring with ill Ministers of State to destroy our Religion. They find ill Ministers conjoined together to subvert our Laws and Liberties.

They



They find Obstructions of Justice, which is the Life-Blood of every State ; and (having a free Passage from the Sovereign Power, where it is primarily seated, as the Life-Blood in the Heart, and thence derived through the several Judicatories, as through so many Veins, into all the Parts of this great Collective Body) doth give Warmth and Motion to every Part and Member, which is nourished and enlivened by it ; but being once precluded, stopped, and sear-ed up, as the Particular must of necessity faint and languish, so must the whole Frame of Government be dissolved, and consequently Sovereignty it self ; which, as the Heart in the Body is *Primum vivens, & ultimum moriens*, must die and perish in the general Dissolution, and all Things return, as in the beginning, in *antiquum Chaos*.

They find the Propriety of the Subject invaded and violated, his Estate rent from him by illegal Taxations, Impositions, Monopolies, and Projects (almost upon every Thing which is for the use of Man) not only upon Superfluities, but Necessaries ; and this to enrich the Vermin and Caterpillars of the Land, and to impoverish the Good, *to take the Meat from the Children, and give it to Dogs*.

*My Lords*, If we find these Things so, we must conceive, they must be ill Counsels which have brought us into this Condition ; these Counsels have put all into a Combustion, have discouraged the Hearts of all true *Englishmen*, and have brought two Armies into our Bowels, which (as the *Vulture* upon *Prometheus*) eat through our Sides, and gnaw our very Hearts.

*Hinc dolor : sed unde medicina.*

Heretofore Parliaments were the *Catholicon*, the *Balm* of *Gilead*, which healed our Wounds, restored our Spirits, and made up all the Breaches of the Land ; but of late Years they have been like the *Fig-tree* in the Gospel, without Efficacy, without Fruit, only destructive to the particular Members, who discharge their Duties and Consciences ; no way beneficial to the Commonwealth, *Nobis exitiabile, nec Reipub. profuturum*, as he said in *Tacitus* ; commonly taken away as *Elias* was with a Whirlwind, never coming to any Maturity, or to their natural End : Whereas they should be like that blessed old Man, which dyed (*Plenus dierum*) in a full Age, after he had fought a good Fight, and overcome all his Enemies ; as the Shock of Wheat which cometh in due Season, to fill our Granaries with Corn, uphold our Lives with the Staff of Bread. For Parliaments are our *panis quotidianus*, our True Bread ; all other Ways are but *Quelques Choses*, which yield no true Nourishment, breed no good Blood.

This very Parliament, which hath sat so long, hath all this while but beaten the Air, and striven against the Stream ; for I may truly say, Wind and Tide have still been against us.

The same ill Counsels which first raised the Storm, which almost shipwreck'd the Commonwealth, do still continue ; they blow strong, like the *East Wind* that brought the *Locusts* over the Land.

These Counsels cross our Designs, cast Difficulties in our Way, hinder our Proceedings, and make all that we do to be fruitless and ineffectual ; they make us to be not Masters of our Business, and so not Masters of Money ; which hath been the great Business of this Parliament, that we might pay the Armies according to our Promises and Engagements.

For, *My Lords*, our not effecting of the good Things which we had undertaken for the good of the Church and Commonwealth, hath wounded our Reputation, and taken off from our Credit.

Is it not Time then, *my Lords*, that we should unite and concentrate our selves in regard of this Antiperistasis and Circumvallation of hurtful and malicious Intentions and Practices against us ? (*My Lords*) it is most agreeable to Reason, in respect of the present Conjunction of Affairs ; for one main Engine by which our Enemies work our Mischief, is by infusing an Opinion and Belief into the World, That we are not united amongst our selves, but that, like *Sampson's* Foxes we draw several Ways, and tend to several Ends.

To defeat then the Counsels of these *Achitophels*, which would involve us, our Religion, our King, our Laws, our Liberties, all that can be near and dear unto us, in one universal and general Desolation ; to defeat (I say) the Councils of



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such *Achitophels*, the Knights, Citizens, and Burgesſes of the Houſe of Commons (knowing themſelves to be ſpecially entrusted with the Preſervation of the whole, and in their Conſciences perſuaded, that the Dangers are ſo imminent that they will admit of no delay) have thought fit to declare their united Affections by entering into an Association amongſt themſelves, and by making a ſolemn Proteſtation and Vow unto their God, That they will unanimouſly endeavour to oppoſe and prevent the Counſels and Counſellors, which have brought upon us all theſe Miſeries, and Fears of greater, to prevent their Ends, and bring the Authors of them to condign Punishment, and thereby diſcharge themſelves both before God and Man.

The Proteſtation your Lordſhips ſhall have read unto you, together with the Grounds and Reaſons which have induced the Houſe of Commons to make it.

*A Catalogue of the Members of the Houſe of Commons, who took the Proteſtation, May 3. 1641. and at ſeveral times afterwards as they ſtand entred in the Journal of the Houſe of Commons.*

|                                   |                                 |                                  |
|-----------------------------------|---------------------------------|----------------------------------|
| <i>William Lenthall, Eſq;</i>     | <i>Sir John Wray.</i>           | <i>Sir Robert Napier.</i>        |
| Speaker.                          | <i>Sir Chriſtopher Wray.</i>    | <i>Sir Ralph Verney.</i>         |
| <i>Sir Edward Bainton.</i>        | <i>Sir Martin Lumley.</i>       | <i>Tho. Lower, Eſq;</i>          |
| <i>James Cambel, Eſq;</i>         | <i>Herbert Morley, Eſq;</i>     | <i>Fran. Gerrard, Eſq;</i>       |
| <i>Sir John Heal.</i>             | <i>Thomas Lord Grey.</i>        | <i>Peregrine Pelham, Eſq;</i>    |
| <i>Thomas Tomkins, Eſq;</i>       | <i>Roger Burgoign, Eſq;</i>     | <i>John Pym, Eſq;</i>            |
| <i>Sir John Finch.</i>            | <i>Rich. Shugbrough, Eſq;</i>   | <i>Sir Ben. Rudyard.</i>         |
| <i>James Lord Compton.</i>        | <i>Sir Edw. Hungerford.</i>     | <i>William Herbert, Eſq;</i>     |
| <i>Sir Henry Anderson.</i>        | <i>Sir John Curſon,</i>         | <i>William Digby, Eſq;</i>       |
| <i>Sir Harbottle Grimston.</i>    | <i>Will. Pierpoint, Eſq;</i>    | <i>George Lord Digby.</i>        |
| <i>Sir Robert Bye.</i>            | <i>John Waſtall, Eſq;</i>       | <i>Sir Ralph Hopton.</i>         |
| <i>Arthur Capel, Eſq;</i>         | <i>Hugh Owen, Eſq;</i>          | <i>Sir Gilbert Gerrard.</i>      |
| <i>Sir Arthur Ingram.</i>         | <i>Sir William Stanhope.</i>    | <i>Lord Ruthyn.</i>              |
| <i>Ferdinan. Lord Fairfax.</i>    | <i>Norton Knatchbull, Eſq;</i>  | <i>Sir Nevil Pool.</i>           |
| <i>Sir Henry Mildmay.</i>         | <i>Sir Edward Hales.</i>        | <i>Sir George Dalſton.</i>       |
| <i>Sir William Armysn.</i>        | <i>Henry Vaughan, Eſq;</i>      | <i>Sir Thomas Bowyer.</i>        |
| <i>Sir Roger North.</i>           | <i>Edward Kirton, Eſq;</i>      | <i>John Hambden, Eſq;</i>        |
| <i>Sir Walter Devereux.</i>       | <i>Edward Bagshaw, Eſq;</i>     | <i>Denzil Hollis, Eſq;</i>       |
| <i>Thomas Hatcher, Eſq;</i>       | <i>Sir Walter Smith.</i>        | <i>Jo. Maynard, Serj. at Law</i> |
| <i>Sir Chriſtopher Telverton.</i> | <i>Rich. Harding, Eſq;</i>      | <i>Sir Robert Harley.</i>        |
| <i>William Lord Ruſſel.</i>       | <i>Geoffry Palmer, Eſq;</i>     | <i>Jo. Glyn, Serj. at Law.</i>   |
| <i>Sir Philip Stapleton.</i>      | <i>Bulſtrode Whitlock, Eſq;</i> | <i>John Selden, Eſq;</i>         |
| <i>Henry Pelham, Eſq;</i>         | <i>William Price, Eſq;</i>      | <i>Sir John Culpeper.</i>        |
| <i>Henry Cholmley, Eſq;</i>       | <i>Henry Lucas, Eſq;</i>        | <i>Sir Tho. Barrington.</i>      |
| <i>Sir John Hotbam.</i>           | <i>Gilb. Millington, Eſq;</i>   | <i>John Vaughan, Eſq;</i>        |
| <i>William Strode, Eſq;</i>       | <i>Sir Tho. Hutchinson.</i>     | <i>Lord Viſc. Faulkland.</i>     |
| <i>Nathaniel Fiennes, Eſq;</i>    | <i>Sir William Morley.</i>      | <i>William Plydall, Eſq;</i>     |
| <i>Henry Marten, Eſq;</i>         | <i>Sir Hen. Bellingham.</i>     | <i>Sir Will. Widdrington.</i>    |
| <i>John Bodvile, Eſq;</i>         | <i>Sir John Franklyn.</i>       | <i>Rich. Barvis, Eſq;</i>        |
| <i>Sir Patricius Curwin.</i>      | <i>Sir John Clotworthy.</i>     | <i>Humphrey Hooke, Eſq;</i>      |
| <i>Edw. Mountague, Eſq;</i>       | <i>Sir Edward Mountfort.</i>    | <i>Rob. Trelauney, Eſq;</i>      |
| <i>Geo. Mountague, Eſq;</i>       | <i>William Cage, Eſq;</i>       | <i>Sir Edward Maſters.</i>       |
| <i>Rich. Shuttleworth, Eſq;</i>   | <i>Jo. Northcot, Eſq;</i>       | <i>John Coucher, Eſq;</i>        |
| <i>John Moore, Eſq;</i>           | <i>Sir Tho. Middleton.</i>      | <i>Sir William Strickland.</i>   |
| <i>Sir Simon D'Erves.</i>         | <i>Sir John Salisbury.</i>      | <i>Sir Edward Boyce.</i>         |



|                         |                             |                            |
|-------------------------|-----------------------------|----------------------------|
| Sir Tho. Walsingham.    | Fitzwill. Conisby, Esq;     | Anthony Nichols, Esq;      |
| Sir Peter Wroth.        | Baptist North, Esq;         | John Broxholm, Esq;        |
| Tho. Maleverer, Esq;    | Rich. Alborough, Esq;       | George Buller, Esq;        |
| Sir Edw. Bamton.        | Orlando Bridgeman, Esq;     | James Fiennes, Esq;        |
| Sir John Pawlet.        | Dr. Samuel Turner.          | Nicholas Weston, Esq;      |
| Oliver Cromwell, Esq;   | Sir Edw. Patberick.         | Binian Weston, Esq;        |
| Sir Gilbert Pickering.  | Sir Peter Temple.           | Jo. Alured, Esq;           |
| Sir Tho. Widdrington.   | Robert Holborn, Esq;        | Sir Beauchamp St. Johns.   |
| Will. Whitacre, Esq;    | Ralph Snead, Esq;           | Sir Richard Anslow.        |
| Mich. Oldsworth, Esq;   | Poynings Moor, Esq;         | Sir John Corbet.           |
| Sir John Harrison.      | Sir William Lewis.          | Sir John Parker.           |
| Sir Hugh Cholmley.      | Peter Venables, Esq;        | Sir Robert Parkhurst.      |
| Sir Henry Herbert.      | Henry Killegrew, Esq;       | Sir Ambrose Brown.         |
| Isaac Pennington, Ald.  | John Harris, Esq;           | Sir Sam. Oldfield.         |
| George Peard, Esq;      | John Moston, Esq;           | Sir Richard Buller.        |
| Sir Robert Howard.      | Peter Leigh, Esq;           | Alex. Carew, Esq;          |
| Sir Richard Wynn.       | Dr. Tho. Eden.              | Sir Nath. Barnardiston.    |
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| Giles Green, Esq;       | Roger Palmer, Esq;          | John Polwhele, Esq;        |
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| Roger Matthews, Esq;    | John White, Esq;            | Oliver St. John, Sol. Gen. |
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| Charles Price, Esq;     | Richard Rose, Esq;          | John Crew, Esq;            |
| Henry Vernon, Esq;      | Will. Wheeler, Esq;         | Richard Catlyn, Esq;       |
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| Edw. Douce, Esq;        | William Purefoy, Esq;       | Jo. Blaikiston, Esq;       |
| Robert Scawen, Esq;     | Robert Jennour, Esq;        | Sir William Brereton.      |
| Sir Tho. Fanshawe.      | William Spurstow, Esq;      | Miles Corbet, Esq;         |
| Sir Dudley North.       | Henry Wilmot, Esq;          | Philip Smith, Esq;         |
| Laur. Whitacre, Esq;    | Col. Ashburnham,            | Sir Rich. Vivian.          |
| Sir Humphrey Tufton.    | Hugh Pollard, Esq;          | Henry Ravenscroft, Esq;    |
| Henry Hayman, Esq;      | Simon Snow, Esq;            | Sir Tho. Middleton.        |
| Tho. Hebblethwait, Esq; | Rich. Terris, Esq;          | Rich. Knightley, Esq;      |
| Arthur Jones, Esq;      | Jo. Ashburnham, Esq;        | Ralph Ashton, Esq;         |
| Will. Bell, Esq;        | Edw. Thomas, Esq;           | Will. Fitz Williams, Esq;  |
| John Harvey, Esq;       | Serjeant Wild.              | Henry Bellasis, Esq;       |
| John Ash, Esq;          | Humph. Salloway, Esq;       | Sir Edward Ascougb.        |
| George Gallop, Esq;     | Sir Tho. Leeds.             | Sir Edward Stowel.         |
| John Nash, Esq;         | William Harnion, Esq;       | Tho. Chicheley, Esq;       |
| Edward Ash, Esq;        | Sir Jervase Clifton.        | Sir John Price.            |
| Rich. Seabourn, Esq;    | John Coventry, Esq;         | Hugh Rogers, Esq;          |
| Corn. Holland, Esq;     | William Herbert, Esq;       | John Wogan, Esq;           |
| Sir John Evelin.        | Sir George Wentworth.       | Will. Mallory, Esq;        |
| Joseph Jane, Esq;       | Edward Seymour, Esq;        | Henry Brett, Esq;          |
| Sir Philip Parker.      | Edw. Wingate, Esq;          | John Trevanian, Esq;       |
| Arthur Anslow, Esq;     | Jo. Bellasis, Esq;          | Walter Lloyd, Esq;         |
| George Hartnall, Esq;   | Fran. Newport, Esq;         | Sir Richard Leigh.         |
| Richard Weston, Esq;    | Lord Crainbourn.            | Oliver Upton, Esq;         |
| John Goodwin, Esq;      | Robert Cecil, Esq;          | Sir Tho. Ingram.           |
| Nath. Stephens, Esq;    | Sir Hen. Vane, Mr. Treasur. | Sir Robert Crane.          |
| John White, Esq;        |                             | Jo. Arundel, Esq;          |
| Sir Edw. Griffith.      | Sir William Litton.         | Jonathan Rusbley, Esq;     |
| Sir Fred. Cornwallis.   | Sir John Jennins.           | Richard Arundel, Esq;      |
| Sir Ralph Sydenham.     | Sir Oliver Luke.            | John Waddon, Esq;          |

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John



An. 1641.

Jo. Pierceval, Esq;

Sir Will. Portman.

Sir Theob. George.

Tho. Smith, Esq;

Sir Mart. Lister.

Sir Tho. Cheek.

Anth. Beddingfield, Esq;

Sir Tho. Smith.

Ralph Ashton, Esq;

John Potts, Esq;

Fran. Rouse, Esq;

Sir Hen. Baggot.

Simon Norton, Esq;

Sam. Evers, Serjeant at Law.

Edm. Waller, Esq;

Syd. Godolphin, Esq;

John Alford, Esq;

Cha. Williams, Esq;

Rich. Herbert, Esq;

Sir Edw. Aldford.

Sir Will. Playters.

Sir Guy Palmes.

Sir Geo. Wentworth.

Lord Mansfield.

Sir Will. Carnaby.

Fran. Glanville, Esq;

Sir John Stepney.

Sir John Brook.

Jo. Fenwick, Esq;

Will. Chadwell, Esq;

Alex. Lutterel, Esq;

John Borlace, Esq;

Sir Hen. Slingsby.

Sir John Cook.

Tho. Cook, Esq;

Rich. Boyle, Lord Dun-

garvan.

Edw. Pool, Esq;

Roger Hill, Esq;

Sir Edm. Varney.

Sir Rich. Leveson.

John Griffith, Esq;

Mat. Davies, Esq;

John Fettiplace, Esq;

Geo. Loe, Esq;

Rich. Edgcomb, Esq;

Sir Edw. Rodney.

Sir Edw. Deering.

Sir Arth. Haslerig.

Sir Fran. Barnham.

Sir Tho. Gervase.

Rob. Wallop, Esq;

Jam. Rivers, Esq;

... Havenningham, Esq;

Will. Cawley, Esq;

John Button, Esq;

Hen. Darley, Esq;

Valentine Walton, Esq;

Sam. Vassal, Esq;

Pierce Edgcomb, Esq;

Sir Walt. Erle.

Sir Will. Massam.

Sir Sam. Roles.

Tho. Arundel, Esq;

May 6.

Sir Will. Dalston.

Sir Tho. Woodhouse.

Fran. Godolphin, Esq;

Framlingb. Gawdy, Esq;

Sir Anth. Irby.

Geo. Vane, Esq;

May 7.

Lord Wenman.

Sir Tho. Peyton.

John Lowry, Esq;

Sir Tho. Danby.

Jo. Evelyn, Esq;

..... Long, Esq;

Sir Phil. Musgrave.

Geo. Parry, Esq;

Sir Will. Pennyman.

Tho. May, Esq;

Sir Nick Slanning.

Tho. Fermin, Esq;

Rob. Hunt, Esq;

Sir John Howel.

Will. Bassett, Esq;

Sir Jam. Thynn.

Sir John Strangeways.

Ralph Godwin, Esq;

Tho. Bennet, Esq;

May 12.

Fran. Buller, Esq;

Mr. Serjeant Hide.

Sir Rob. Hatton.

Fran. Drake, Esq;

Sir Christoph. Hatton.

Rob. Nichols, Esq;

Sir Fran. Knollis.

Jo. Dutton, Esq;

Nath. Hollow, Esq;

Hen. Campian, Esq;

Herbert Price, Esq;

Tho. Erle, Esq;

Will. Marlott, Esq;

Will. Drake, Esq;

Sir Edw. Littleton.

Sir Hen. Ludlow.

Rich. Harman, Esq;

Sir John Dryden.

Will. Ellis, Esq;

Will. Thomas, Esq;

John Pine, Esq;

Will. Jepson, Esq;

John Hotbam, Esq;

Tho. Hodges, Esq;

Tho. Moore, Esq;

Godf. Boswell, Esq;

Anth. Stapley, Esq;

John Moyle, Esq;

Will. Hay, Esq;

Ferd. Stanhop, Esq;

Tho. Soams, Esq;

May 4.

Jo. Craven, Esq;

Rob. Crook, Esq;

Edw. Philips, Esq;

Walt. Kirk, Esq;

Sir Tho. Parker.

..... Grantbam, Esq;

..... Taylor, Esq;

Will. Constantine, Esq;

Jo. Trenchard, Esq;

Rob. Sutton, Esq;

Jo. Whisler, Esq;

Anth. Hungerford, Esq;

May 8.

Tho. Eversfield, Esq;

Geo. Searle, Esq;

Charles Baldwin, Esq;

Sir Alex. Centon.

Rich. Whitehead, Esq;

Ger. Napier, Esq;

Hen. Garton, Esq;

May 10.

Mich. Noble, Esq;

Serj. Creswel.

Sir John Holland.

Sir Will. Ogle.

Sir Cha. Grosse.

Sir Geo. Stonehouse.

May



May 17.

Sir Fra. Popham.  
 Alex. Popham, Esq;  
 Edw. Exton, Esq;  
 Lord Mounson.  
 Sir Jo. Franklyn.

May 18.

Amb. Monaton, Esq;  
 Rob. Walker, Esq;  
 Sir Rich. Brown.  
 Sam. Sandys, Esq;  
 Hugh Potter, Esq;

Rich. Leigh, Esq;  
 Walt. Young, Esq;  
 John Bamfield, Esq;  
 Alex. Rigby, Esq;

June 8.

Lord Buckburst.  
 . . . . . Bifs, Esq;

May 27.

. . . . . Rainsborough, Esq;

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*The Names of the Lords Spiritual and Temporal, that took the  
 Protestation, May 4. and afterwards.*

Lord Privy-Seal.  
 Lord Great Chamberlain.  
 Lord High Steward.  
 Lord Chamberlain.  
 Earl of Cumberland.  
 Earl of Huntingdon.  
 Earl of Bath.  
 Earl of Hertford.  
 Earl of Essex.  
 Earl of Lincoln.  
 Earl of Nottingham.  
 Earl of Suffolk.  
 Earl of Dorset.  
 Earl of Salisbury.  
 Earl of Northampton.  
 Earl of Warwick.  
 Earl of Devonshire.  
 Earl of Cambridge.  
 Earl of March.  
 Earl of Carlisle.  
 Earl of Bristol.  
 Earl of Holland.  
 Earl of Denbeigh.  
 Earl of Clare.  
 Earl of Bolingbrooke.  
 Earl of Westmorland.  
 Earl of Berkshire.  
 Earl of Cleveland.  
 Earl of Monmouth.  
 Earl of Dover.  
 Earl of Peterburgh.  
 Earl of Stamford.  
 Earl of Carnarvan.  
 Earl of Thannet.  
 Earl of Portland.  
 Lord Viscount Say and Seal.

Lord Visc. Conway.  
 Lord Visc. Cambden.  
 Lord Bishop of Durham.  
 Lord Bishop of Lincoln.  
 Lord Bishop of Gloucester.  
 Lord Bishop of Carlisle.  
 Lord Bishop of Bath and Wells.  
 Lord Bishop of Hereford.  
 Lord Bishop of Bristol.  
 Lord Bishop of Rochester.  
 Lord Bishop of Llandaff.  
 Lord Mowbray.  
 Lord Strange.  
 Lord Willoughby D'Ersby.  
 Lord Dacres.  
 Lord De Grey.  
 Lord Hastings.  
 Lord Wentworth.  
 Lord Chandois.  
 Lord Wharton.  
 Lord Rich.  
 Lord Willoughby de Parham.  
 Lord Paget.  
 Lord North.  
 Lord Hunsden.  
 Lord Kimbolton.  
 Lord Newenham.  
 Lord Brook.  
 Lord Howard de Charlton.  
 Lord Grey de Wark.  
 Lord Deincourt.  
 Lord Craven.  
 Lord Lovelace.  
 Lord Pawlett.  
 Lord Pierpoint.  
 Lord Coventry.



An. 1641.

Lord Howard d'Esrig.

Lord Goring.

Lord Dunsmore.

Lord Savill.

Lord Herbert de Cherbery.

Lord Seymour.

May 7.

Lord Wilmot.

Lord Newburgh.

Lord Chief Justice of the King's Bench.

Lord Chief Justice of the Common-Pleas.

Baron Trevor,

Crawley,

Weston,

Reves,

Hendon,

Foster,

Heath,

Judges.

May 10.

Earl of Danby.

Lord Stanhope.

Master of the Rolls.

Mr. Attorney-General.

Sir Rob. Rich.

Lord Bishop of Chester.

May 5.

Lord Bishop of Winchester.

Lord Bishop of Oxford.

Lord Bishop of St. Asaph.

Lord Bishop of Ely.

Lord Bishop of Peterburg.

Lord Bishop of Litchfield and Coventry.

Serj. Ayliffe.

Serj. Glanville.

Sir Edward Leech, } Masters of  
Dr. Bennet, } Chancery.

May 11.

Lord Bishop of Chichester.

May 2, and 4.

Great Multitudes of People did these two Days repair to Westminster, being full of Fears and Jealousies of Plots and Designs against the Parliament; and particularly because they heard there was a Design of putting Soldiers into the Tower: And also they were apprehensive that the Earl of Strafford would Escape; and they cried out for Justice; and the following Paper was posted up of the Names of those who were supposed to favour him, by the Name of Straffordians.

A Copy of the Paper posted up at the corner of the Wall of Sir. Will. Brunkard's House in the Old Palace-Yard, in Westminster.

These are Straffordians, Betrayers of their Country.

1 Lord Digby.

2 Lord Compton.

3 Lord Buckhurst.

4 Sir Rob. Hatton.

5 Sir Tho. Fanshaw.

6 Sir Edw. Alford.

7. Sir Nick. Slanning.

8 Sir Tho. Dan'y.

9 Sir Geo. Wentworth.

10 Sir Peter Wentworth.

11 Sir Fred. Cornwallis.

12 Sir Will. Carnaby.

13 Sir Rich. Win.

14 Sir Gervase Clifton.

15 Sir Will. Withrington.

16 Sir Will. Pennyman.

17 Sir Patrick Curwen.

18 Sir Rich. Lee.

19 Sir Hen. Slingsby.

20 Sir Will. Portman.

21 Mr. Gervase Hollis.

22 Mr. Sidney Godolphin.

23 Mr. Cooke.

24 Mr. Coventry.

25 Mr. Benj. Weston.

26 Mr. Will. Weston.

27 Mr. Selden.

28 Mr. Alford.

29 Mr. Lloyd.

30 Mr. Herbert.

31 Capt. Digby.

32 Serj. Hide.

33 Mr. Tailor.

34 Mr. Griffith.

35 Mr. Scowen.

36 Mr. Bridgeman.



37 Mr. Fettiplace.  
 38 Dr. Turner.  
 39 Capt. Ch. Price.  
 40 Dr. Parry, Civilian.  
 41 Mr. Arundel.  
 42 Mr. Newport.  
 43 Mr. Holborn.  
 44 Mr. Noel.  
 45 Mr. Kirton.  
 46 Mr. Pollard.

47 Mr. Price.  
 48 Mr. Trevannion.  
 49 Mr. Jane.  
 50 Mr. Edgecomb.  
 51 Mr. Chichely.  
 52 Mr. Mallery.  
 53 Mr. Porter.  
 54 Mr. White.  
 55 Mr. Warwick.  
 56 Sir John Strangeways.

16 Caroli.

*This and more shall be done to the Enemies of Justice afore-written.*

The same Concourse of People continuing, the Lords desired a Conference with the Commons, which was managed by the Lord Privy-Seal, who spake to this Effect :

Tuesday, May 4.

**T**HAT the Occasion of the Conference was so visible, that he should not need to say any more of it, the Multitudes without bespake the Bunness and the Matter of it : That which he had to say, was by Command from the King to the Peers, to be communicated to both Houses of Parliament : That his Majesty takes Notice, That the People do assemble in such unusual Numbers, that their Counsels and Peace of the Kingdom may be thereby interrupted ; and therefore as a King that loveth Peace, and taketh Care that all Proceedings in Parliament may be free, and in a peaceable Manner, he desires that these Interruptions may be removed ; and wisheth both Houses to advise a Course how the same may be done.

The Lord Privy-Seal's Speech, at a Conference about Tumults.

At the same time the Lord Privy-Seal communicated to the Commons a *Petition*, which the Lords had the Day before receiv'd, from the Multitude of People that flocked together in the Palace-Yard ; which was to this Effect :

**T**HAT whereas your Petitioners did Yesterday Petition for the Redress of many Grievances, and for the Execution of Justice upon the Earl of *Strafford*, and other Incendiaries, and to be secured from some dangerous Plots and Designs on Foot ; to which your Lordships have this Day given Answer, That you have the same under present Consideration ; your Petitioners do render humble Thanks. But forasmuch as your Petitioners understand, that the *Tower of London* is presently to receive a Garison of Men, not of the *Hamlets* (as usually they were wont to do) but consisting of other Persons, under the Command of a Captain, a great Confident of the Earl of *Strafford's*, which doth increase their Fears of the sudden Destruction of the King and Kingdom, wherein your Lordships and Posterity are deeply interested ; and that this is done to make a way for the Escape of the Earl of *Strafford*, the grand Incendiary :

A Petition delivered to the Lords by the People.

They therefore humbly pray, That instant Course may be taken for the Discovery thereof ; and that speedy Execution of Justice be done upon the Earl of *Strafford*.



An. 1641.

The Lords  
send to exa-  
mine the  
Lieutenant of  
the Tower.  
He confesses  
he had a Com-  
mand to re-  
ceive in 100  
Men.

Whereupon the Lords sent six Peers of their House to the *Tower*, to understand what Truth there was in this Information; and to demand of the Lieutenant, Who chose those Men to be lodged in the *Tower*; whether he was privy to it himself; and what Order he had to receive them, and what Captain was to Command them? To the two first, he said he was wholly Ignorant: And for the Third, he said he had his Majesty's Command to receive One hundred Men into the *Tower*; and Captain *Billingly* to Command them; and to receive only such Men as he should bring unto him: But now understanding their Lordships Order, he did promise, That no other Guard should come into the *Tower*, unless it were the Hamlet-men. The Lords did further declare, at the Conference, That they were drawing to a Conclusion of the Bill of Attainder of the Earl of *Strafford*; but were so encompassed with Multitudes of People, that their Lordships might be conceived not to be free, unless they were sent Home; whose flocking hither, was the only hindrance to the dispatching of that Bill: And therefore desired the Commons to join with their Lordships, to find out some way how this Concourse about both Houses might be avoided. And then they debated the *Protestation*, and passed it, and took the same.

The Tumult  
departs.

After that the Commons returned to their House, Dr. *Burgess* was desired to acquaint the Multitude with the *Protestation* which both Houses had taken; which being read by him, and also made known unto them, That the Parliament desired, that they would return Home to their Houses, they forthwith departed.

The said *Protestation* was afterwards ordered to be tendred to the whole Kingdom; with this Intimation, That whosoever refused to take it should be noted as *disaffected to the Parliament*.

A Bill brought  
in for the con-  
tinuance of  
the Parlia-  
ment.

The Commons forthwith ordered the bringing in of a Bill, *For the Continuance of this present Parliament, that it might not be dissolved without the Consent of both Houses*; which was afterwards read the first and second Time, and committed.

Lilburn.

Mr. *Rouse* reports the Case of *John Lilburn*.

1. *Resolved*, That the Sentence in the *Star-Chamber* given against *John Lilburn*, is Illegal, and against the Liberty of the Subject, and also Bloody, Wicked, Cruel, and Tyrannical.

2. *Resolved*, That Reparation ought to be given to Mr. *Lilburn*, for his Imprisonment, Suffering, and Losses, sustained by that illegal Sentence.

Commisary *Wilmot* is required to acquaint the Lord-General of the King's Army, with a Letter to be sent to the King's Army.

Ordered, That Mr. *Maynard* do prepare a Bill concerning the taking of the *Protestation* by all his Majesty's Subjects throughout the Kingdom.

The Petition of divers, both Clergy and Citizens of *London*, was read: They are called in; the House approved of their good Affections therein expressed. And as for that Part that concerns the *Protestation*, gave direction to take the said *Protestation*.

Papists.

Sir *Gilbert Gerard*, and other Members, are forthwith to make Enquiry, what Papists, Priests, and Jesuits are now about Town.

This Day the Earl of *Strafford* writ this ensuing Letter to his Majesty.

2

Earl



*Earl of Strafford's Letter to the King, May 4. 1641, giving his Consent to suffer.*

*May it please your Sacred Majesty,*

**I**T hath been my greatest Grief, in all these Troubles, to be taken as a Person which should endeavour to represent and set Things amiss between your Majesty and your People, and to give Counsels tending to the Disquiet of the three Kingdoms.

Most true it is, that (this mine own private Condition considered), it had been a great Madness, since (through your gracious Favour) I was so provided, as not to expect in any kind to mend my Fortune; or please my Mind more, than by resting where your bounteous Hands had placed me.

Nay, it is most mightily mistaken; for unto your Majesty it is well known, my poor and humble Advice concluded still in this, That your Majesty and your People could never be happy, 'till there were a right Understanding betwixt you and them; and that no other means were left to effect and settle this Happiness, but by the Counsel and Assent of your Parliament; or to prevent the growing Evils of this State, but by entirely putting your self, in this last Resort, upon the Loyalty and good Affections of your *English* Subjects. Yet such is my Misfortune, that this Truth findeth little Credit; yea, the contrary seemeth generally to be believ'd; and my self reputed as one who endeavour'd to make a Separation between you and your People: Under a heavier Censure than this, I am persuaded no Gentleman can suffer.

Now I understand the Minds of Men are more and more incensed against me, notwithstanding your Majesty hath declared, That in your Princely Opinion I am not Guilty of Treason; and that you are not satisfied in your Conscience to pass the Bill.

This bringeth me in a very great streight: There is before me the Ruin of my Children and Family, hitherto untouched, in all the Branches of it, with any foul Crime: Here are before me the many Ills which may befall your sacred Person, and the whole Kingdom, should your Self and Parliament part less satisfied one with the other, than is necessary for the Preservation both of King and People. Here are before me the Things most valued, most feared by mortal Men, Life and Death.

To say, Sir, there hath not been a Strife in me, were to make me less Man than, God knoweth, my Infirmities make me; and to call a Destruction upon my self and young Children (where the Intentions of my Heart at least have been innocent of this great Offence), may be believed, will find no easy Consent from Flesh and Blood: But, with much sadness, I am come to a Resolution of that, which I take to be best becoming me, and to look upon it as that which is most principal in it self, which, doubtless, is the Prosperity of your sacred Person, and the Commonwealth; Things infinitely before any private Man's Interest.

And therefore, in few Words, as I put my self wholly upon the Honour and Justice of my Peers, so clearly, as to wish your Majesty might please to have spared that Declaration of yours on *Saturday* last, and entirely to have left me to their Lordships; so now, to set you Majesty's Conscience at liberty, I do most humbly beseech your Majesty, for prevention of Evils which may happen by your Refusal, to pass this BILL; and by this means to remove (praised be God, I cannot say this accursed, but I confess) this unfortunate Thing forth of the way, towards that blessed Agreement which God, I trust, shall ever establish between you and your Subjects.

Sir, My Consent shall more acquit you herein to God, than All the World can do besides: To a Willing Man there is no Injury done; and as by God's Grace I forgive all the World, with Calmness and Meekness, of infinite Contentment to my dislodging Soul; so, Sir, to you I can give the Life of the World, with all the Chearfulness imaginable, in the just Acknowledgment of your exceeding Favours; and only beg, That in your Goodness you would vouchsafe to



An. 1641.

cast your gracious Regard upon my poor Son, and his three Sisters, less or more, and no otherwise than as their (in present) unfortunate Father may, hereafter, appear more or less guilty of this Death. God long preserve your Majesty.

Tower, May 4.  
1641.

Your Majesty's most Faithful, and  
Humble Subject and Servant,  
STRAFFORD.

May 4.  
The Committee reports to the House, That Mr. Henry Fermin, and Mr. Henry Piercy are fled.

This Day also the Committee appointed to joyn with the Lords for taking Examinations concerning the Plot, did acquaint the House, That Six or Eight of the chief Conspirators were fled; of which, Mr. Henry Fermin, and Mr. Henry Piercy, Members of the House, were two, and they were gone towards *Portsmouth*. Upon which Report, present Information came, That the Queen was preparing to go to *Portsmouth*: Thereupon both Houses had a Conference, and agreed to move her Majesty to stay her Journey for the Security of her Person, her Majesty not knowing what danger she might be exposed to in those Parts: In the mean time, one Lord and two Commoners were dispatched to *Portsmouth*, with private Instructions to propose certain *Queries* to the Governor there, and to take further care for the Security of the Place and Haven of such Importance: And they took an Oath of Secrecy, as those Lords and Commons had done, who were appointed to examine the Plot.

His Majesty was desired by both Houses, to issue out a Proclamation for the calling in Mr. Piercy and Mr. Fermin, within a time limited, which was accordingly granted: And the Lords were desired by the Commons to hasten the Bill of Attainder of the Earl of *Strafford*.

To prevent further Discontent in the Army, this Letter was sent by order to Sir Jacob Ashly, to be communicated to the Army in the *North*; and the Author of these Collections was sent Post therewith.

Mr. Speaker's Letter to Sir Jacob Ashly, to keep a good Correspondency between the Parliament and Army, May 4.

S I R,

WE have had cause to doubt, That some ill-affected Persons have endeavour'd to make a misunderstanding in the Army, of the Intentions of the Parliament towards them. To take away all misunderstanding in that Kind, the House of Commons have commanded me to assure you, That they have taken the Affairs of the Army into their serious Care: And though for the present their Monies have not come in as they wished, and as was due, by reason of the many Distractions, and other Impediments, which this House could no ways avoid; yet they rest most assured, That they shall not only have their full Pay, but the House will take their Merits into their further Consideration, in regard they take notice, That notwithstanding their Want, and Endeavours of those ill-affected Persons, they have not demeaned themselves otherwise, than as Men of Honour, and well-affected to the Commonwealth; which this House takes in so good part, that we have already found out a way to get Money for a good part of their Pay, and will take the most speedy Course we possibly may for the rest. So I remain

From my House at *Charing-Cross*, the Fourth of this present Month of *May*,  
1641.

Your very loving Friend,

Will. Lenthall.

S I R,

'Tis the Pleasure of the House, That this Letter be communicated to the Army, to the end their Intentions may be clearly understood by them.

Ordered,



Ordered, That the Members do meet, and consider in what State and Condition their respective Counties, Cities, and Boroughs are, in respect of Arms and Ammunition; and in what Condition for Deputy Lieutenants, whether they be well affected in Religion, and to the publick Peace: And what Arms there are, that they may be supplied; and what Forts and Castles, and who are the Governors of them.

The House having been alarmed with the Apprehensions of some Plots or Designs on Foot, and having appointed a Committee to enquire into the same, they this Day made their Report to the House, That this Plot consisteth of three Heads: The first was, the Design upon the *Tower*. The second, to engage the Army. The third, to bring in foreign Forces. For the *Tower*, it appeared to be thus: Captain *Billingly* being examined upon Oath, confessed, That he was acquainted with Sir *John Suckling*: That the said Sir *John* lately offered him Employment in one of the King's Ships then at *Portsmouth*; afterwards, Employment for *Portugal*: That this Deponent having notice to meet at the Privy-Lodgings at *Whitehall*, did there receive Orders to get an Hundred Men to serve in the *Tower* under him; and if he did fail, he should answer it with his Life. And afterwards meeting with Sir *John Suckling*, and acquainting him therewith, he told him he would furnish him with the said Number. Sir *William Belfore*, Lieutenant of the *Tower*, being examined, said, That he had Command to receive Captain *Billingly*, with an Hundred Men, into the *Tower*, who should be under his Command: That the Earl of *Strafford* at that time, expostulating with him about his Escape, told him, He would attempt nothing in that kind without his privity; and that he should have the King's Warrant for his Indemnity; and that the Warrant should be to command him to remove the Earl of *Strafford*, from the *Tower* to some other Castle; and he would then take his Opportunity to escape: That the Lieutenant of the *Tower* not giving any complying Answer thereunto, the said Earl sent again to intreat him to come to him, and would have persuaded him to let him make an Escape; saying, *Without your Concurrence it cannot be done; and if you will consent thereunto, I will make you present Payment of Twenty-two Thousand Pounds; besides, you shall have a good Marriage for your Son.* To which the Lieutenant of the *Tower* replied, He was so far from concurring therein, that he was not to be farther moved in such a Thing. Thus much the Lieutenant of the *Tower* delivered upon his Oath.

Colonel *Goring*, upon his Examination in the House of Commons, did confess, That Sir *John Suckling* was the first Person that ever made any Overture unto him, concerning the Army's marching towards *London*: Afterwards, being in the Queen's Lodgings, he met with Mr. *H. P.* which was about the beginning or middle of *Lent* last, and Mr. *P.* told him, There was a Consultation of Officers to be had, concerning the good of the Army; and desired him to go along with him to his Chamber, where the Meeting was to be: There were present at the same Meeting, Commissary *Wilmot*, Colonel *Ashburnham*, Captain *Pollard*, Sir *John Berkly*, *Daniel O Neal*, Mr. *Fermin*, and himself: That Mr. *P.* said, There were Propositions to be made, which were of great Concernment; and that it was necessary there should be an Oath of Secresy taken before any Thing was propounded: That the Oath should be to this Purpose: That we should neither directly nor indirectly discover any part of the Consultation, nor ever to think our selves dissolved from that Oath, by any other Oath which might be imposed upon us hereafter. Which Oath was read out of a Paper, when it was tendred unto them; and thereupon they were sworn, by

16 *Caroli*

May 5.

A Report made to the House, that this Plot consists of three Heads, &c.

The Earl of *Strafford* expostulates with the Lieutenant of the *Tower*, for his escape, attested upon Oath.

Col. *Goring's* Examination about the Plot.



An. 1641.

by laying their Hands upon the Bible : That he and *Fermin* were sworn together ; for the rest had taken the Oath before.

Then three Propositions were made unto them, being the same in Substance expressed in Mr. P.'s Letter.

He farther said, That the whole Number there met, were of Opinion, That the Army should not march towards *London*, 'till a Declaration had been first sent up to the Parliament : That he the said *Goring* answered, It was a nice Point to interpose in the Proceeding of the Parliament ; and did propound some Difficulties to allay the Business, to divert Commissary *Wilmot*, and those other Persons, from so dangerous a Business : And said, That he did think it was a design of Folly to undertake it ; for they must think the *Scots* would take the Advantage upon the Army's removal *Southwards*, whose Correspondency was so great with the City ; and for them to begin to shew their Teeth, and not be able to bite, would argue little Prudence ; that they should either undertake it so as to go through with it, or let it alone : That he did ask them what Ammunition they had to accommodate so great an Army ; and whether they could command the Ammunition in the *Tower* : That *Wilmot*, *Pollard*, and *Asburnham*, then made Answer, They had no purpose to go to *London* ; for to surprize the *Tower*, was to conquer the Kingdom : That this, amongst other Passages, was part of the Discourse at the first Meeting.

That shortly after, there was another Meeting of the same Persons, and in the same Place, in Mr. *Piercy's* Chamber ; where there were Propositions of another Nature, desperate and impious on the one Hand, and foolish on the other ; and that he endeavoured by Argument to divert them, by propounding an Impossibility to effect the same : For how could the Army, lodged in several Quarters, unpaid, and at such a distance, march on a sudden to *London*, and surprize what they had in Design ?

That Mr. *Fermin* was the Person that first proposed the marching of the Army towards *London* : That for his part he declared himself absolutely against it. That Mr. *Fermin* replied to him in private, *You do not dislike the Design ; for you are as ready for any wild, mad Undertaking, as any Man I know ; but you dislike the Temper of those Persons who are engaged in the Business.*

He did further confess, That he propounded that *Suckling* might be admitted to the Consultation ; but *Wilmot*, *Asburnham*, and *Pollard*, would not hear of it. And they three did then declare themselves against the Army's marching towards *London*.

Then he took occasion to say, That he did acquaint some Members of both Houses, whom he could name, that there were some of the Army whom they did not think so well of, were more faithful and serviceable to the Parliament, than they were aware of, which time would produce ; and named them : And they did accordingly give Testimony of his Integrity, so far as general Terms could discover the Design. He confessed, That Mr. *Fermin* did make some Offers unto him, to relinquish the Government of *Portsmouth*, upon some Terms of Advantage : But he said, He did not conclude any Thing ; for he would first see the Performance of what was offered ; so had no further Discourse with him concerning that Business. But he doth believe, that *Suckling* and *Fermin* did confer together about the Design. He said they did desire his Opinion about a General : Some were for *Essex*, some for *Holland* ; but he, with *Fermin*, were for *Newcastle*.

Being again examined upon his Oath, before the Committee of Lords and Commons, and pressed more particularly to answer Questions not before proposed unto him, he did confess, That meeting with Mr. *Fermin*



in the Queen's withdrawing Chamber, her Majesty came and told him, the King would speak with him; and meeting with his Majesty, he told him, He was minded to set his Army in a good Posture, being advised thereto by the Earl of *Bristol* (as he said;) and his Majesty then commanded him to join with Mr. *Peirce* and some others in that Business.

As for the Designs from beyond the Seas, the Committee did make Report to the House, That it was cleared unto them, that *Fermin* endeavoured to have got the Possession of *Portsmouth*; That the King of *France* had drawn down great Forces to the Sea-side; That the Governor of *Calice* had examined some *Englishmen*, whether the Earl of *Strafford's* Head was cut off? And this was, in point of Time, the *First of May*, according to the *English Stile*; and Sir *Philip Cartwright*, Governor of *Guernsey*, wrote Letters also, which came in great Haste, That he understood the *French* had a Design upon that Island, or some part of *England*. It also appeared to the Committee, by divers of the Letters which were opened coming from beyond Sea, that they expected the Earl of *Strafford* there; and that they hoped the *Horse-Leeches* should be starved for want of *Blood*: And in some of those Letters there was Advice to the Cardinal to bestir himself betimes, to interrupt the height of the Proceedings here in *England*. Also Examination of some Priests were taken in *Lancashire*, and sent up to *London*, which were there taken the *Third of May*, which did testify, That the Priests did say, the Parliament should be suddenly *Dissolved*: for the Army was to march up thither with all speed, and they would be seconded by Forces out of *France*; and that *Montague* did write out of *France* to Mr. *Peirce* (which was also intercepted,) That if he did perform what he had undertaken, he would be made a Knight of the Garter.

Mr. *Peirce*, after his Flight, writ a Letter to the Earl of *Northumberland*, discovering what he knew concerning the Plot; which, though it came in time after Colonel *Goring's* Examination, it is now mentioned, for the fuller Satisfaction of the Reader. The Letter followeth in these Words.

*Mr. Henry Piercy's Letter to the Earl of Northumberland, read in both Houses of Parliament.*

WHAT with my own Innocency, and the Violence I hear is against me, I find my self much distracted. I will not ask your Counsel, because it may bring prejudice upon you; but I will with all Faithfulness, and Truth, tell you what my Part hath been, that at least it may be declared by you, whatsoever becomes of me.

When there was 50000 *l.* ready, designed by the Parliament; for the *English* Army, there was, as I take it, a sudden Demand by the *Scots* at the same Time of 25000 *l.* of which there was 15000 *l.* ready; this they pressed with such Necessity, as the Parliament after an Order made, did think it fit for them to reduce 10000 *l.* out of the 50000 *l.* formerly granted: Upon which, the Soldiers in our House, were much scandalized; amongst which I was one and sitting by *Wilmot* and *Ashburnham*, *Wilmot* stood up, and told them, If that the *Scots* could thus procure Money, he doubted not but the Officers of the *English* Army might easily do the like. But the first Order was reversed notwithstanding, and 10000 *l.* given to the *Scots*. This was the Cause of many Discourses of Dislike amongst us, and came to this purpose, That they were disoblged by the Parliament, and not by the King: This being said often to one another, we did resolve, *Wilmot*, *Ashburnham*, *Pollard*, *O Neal*, and my self, to make some Expressions of serving the King in all Things he would Command us, that were Honourable for him and us; being likewise agreeing to the Fundamental Laws of the Kingdom, that so far we would live and die with him; this was agreed upon with us, not having any Communication with others, that

16 *Caroli*Mr. Hen. Peir-  
cy's Letter.



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I am coupled now withal : And further, by their joint Consent, I was to tell his Majesty thus much from them ; but withal, I was to order the Matter so as the King might apprehend this as a *great Service* done unto him at this Time, when his Affairs were in so ill a Condition, and they were most Confident, That they would engage the whole Army thus far ; but further they would undertake nothing, because they would neither infringe the Liberties of the Subjects, nor destroy the Laws ; to which I and every one consented ; and having their Sense, I drew the Heads up in a Paper, which they all approved when I read it ; and then we did, by an *Oath*, promise one another to be Constant and Secret in all this, and did all of us take that *Oath* together : Then I said, Well, Sirs, I must now be informed what your particular Desires are, that so I may be the better able to serve you ; which they were pleased to do ; and so I did very faithfully serve them therein as far as I could. This is the Truth, and all the Truth upon my Soul, in particular Discourses.

After that, we did fall upon the Petitioning to the King and Parliament for Moneys, there being so great Arrears due to us, and so much delays made in the procuring of them ; but that was never done.

1. Concerning the Bishops Functions and Votes.
2. The not disbanding of the *Irish* Army, until the *Scots* were disbanded too.
3. The endeavouring to settle his Majesty's Revenue to that Proportion it was formerly.

And it was resolved by us all, if the King should require our Assistance in those Things that as far as we could, we might contribute thereunto, without breaking the Laws of the Kingdom ; and in Case the King should be denyed these Things being put to them, we would not fly from him : All these Persons did act and concur in this as well as I. This being all imparted to the King by me from them, I perceived he had been treated with by others concerning some Things of our Army ; which agreed not with what was purposed by me, but inclined a way more sharp and high, not having Limits either of Honour or Law. I told the King, he might be pleas'd to consider with himself, which way it was fit for him to hearken unto ; for us, we were resolved not to depart from our Grounds ; we should not be displeased, whosoever they were ; but the particular of the Designs, or the Persons we desired not to know ; though it was no hard Matter to guess at them. In the end, I believe the Danger of the one, the *Justice* of the other, made the King tell me, he would leave all Thoughts of other Propositions, but *ours*, as Things not practicable ; but desired, notwithstanding that *Goring* and *Fermyn*, who were acquainted with the *other* Proceedings, should be admitted amongst us : I told him, I thought the other Gentry would never Consent to it, but I would propose it, which I did, and we were all much against it : But the King did press it so much, as at the last it was consented unto ; and *Goring* and *Fermyn* came to my Chamber ; there I was appointed to tell them, after they had sworn to Secrecy, what we had proposed ; which I did. But before I go into the Debate of the way, I must tell you, *Fermyn* and *Goring* were very earnest *Suckling* should be admitted ; which we did all decline, and I was desired by all our Men to be resolute in it, which I was, and gave many Reasons : Whereupon Mr. *Goring* made Answer, he was engaged with Mr. *Suckling* his being employ'd in the Army ; but for his meeting with us, they were contented to pass it by : Then we took up again the ways which were proposed ; which took great Debate, and *theirs* differed from *ours* in Violence and Heat ; which we all protested against, and parted, disagreeing totally, yet remitted it to be spoken of by me and *Fermyn* to the King, which we both did ; and the King, constant to his former Resolutions, told him, these Ways were all Vain and Foolish, and he would think of them no more. I omit one Thing of Mr. *Goring*, he desired to know how the Chief Commanders were to be disposed of ; for if he had not a Condition worthy of him, he would not go along with us. We made Answer, that no body thought of that ; we intended, if we were sent down, to go all in the same Capacity we were in. He did not like that by any Means, and by that did work so with Mr. *Chidley*, that there was a Letter sent by some of the Commanders to make him Lieutenant-General : And when he had ordered this at *London*, and Mr. *Chidley* had his Instructions, then did he go to *Portsmouth*, pretending to be absent when this was working ; we all desired my Lords of *Essex* and



and *Holland*; but they said, If there were a General, they were for *New-Castle*: They were pleased to give Report, That I should be General of the Horse. But I protest, neither to the King, or any else, did I ever so much as think of it. My Lord of *Holland* was made General, and so all Things were laid aside: And this is the Truth, and all the Truth I know of these Proceedings: And this I will and do protest unto you upon my Faith. And *Wilmot*, *Ashburnham*, and *O Neal*, have at several Times confess'd and sworn, I never said any Thing in the Business, which they did not every one agree unto and justify. This Relation I send you rather to inform you of the Truth of the Matter, that you may the better know how to do me good; but I should think my self very unhappy to be made a Betrayer of any Body. What concerned the *Tower* or any thing else, I never meddled withal, nor ever spake with *Goring* but that Night before them all, and I said nothing but what was consented unto by every Party; I never spake one word with *Suckling*, *Carnarvan*, *Davenant*, or any other Creature. Methinks, if my Friends and Kindred knew the Truth and Justice of the Matter, it were no hard Matter to serve me in some Measure.

16 Caroli.

Here was also at this time Imparted to the House of Commons, a Letter intercepted, going from Father *Philips* (the Queen's Confessor) to Mr. *Montague* in *France*; which was as followeth.

*Father Philips, the Queen's Confessor, his Letter to Mr. Walter Montague in France.*

THE good King and Queen are left very naked; the Puritans, if they durst, would pull the good Queen in Pieces. Can the good King of *France* suffer a Daughter of *France*, his Sister, and her Children, to be thus affronted? Can the wise Cardinal endure *England* and *Scotland* to unite, and not be able to discern? In the end it is like they will join together and turn Head against *France*: A stirring active Ambassador might do good here. I have sent you a Copy of the King's Speech on *Saturday* last; at which time he discharged his Conscience concerning the Earl of *Strafford*, and was advised to make that Speech, by the Earl of *Bristol*, and the Lord *Savile*.

Father Philips's Letter.

This Speech did much operate to the disadvantage of the Earl of *Strafford*, for the Commons were thereby much incens'd and inflamed against him; and this brought forth, the next Day, being *Monday*, a *Protestation*, which was taken in both Houses of Parliament, of the same Nature, but rather worse than the *Scottish* Covenant.

The *Londoners*, who are very boisterous, came upon *Monday*, Five or Six Thousand, and were so rude, that they would not suffer the Lords to come and go quietly and peaceably to their Houses; but threatned them, That if they had not Justice, and if they had not his Life, it should go hard for all those that stood for him, following them up and down, and calling for *Justice, Justice, Justice*.

There was in the House of Commons Fifty Six that denied to pass the Earl of *Strafford's* Bill; their Names were taken, and they were fixed upon Posts, in divers Parts in *London*; and there was written over Head, *These are Straffordians, the Betrayers of their Country*.

By this means it came to pass, that the Lords and Judges were much affrighted; and the most of his Friends in the Lords House forsook him; all the Popish Lords did absent themselves; the Lords of *Holland* and *Hertford* were absent, so was *Bristol* and others; *Savile* and the Duke only stuck close and faithfully to him, and some few other Lords. God knows the King is much dejected, the Lords much affrighted; which made



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the Citizens and the House of Commons shew their Heads; some have braved little less than to unthrone his Majesty, who, if he had but an ordinary Spirit, might easily quash and suppress these People. Our good Queen is much afflicted; and in my Conscience, the *Puritans*, if they durst, would tear her in Pieces. This cannot be for the Honour of *France*, to endure a Daughter of that Nation, and her Children, should be thus oppressed and affronted.

The Earl of *Holland* is made General of the Army, whither he is gone down: The Earl of *Newport*, Master of the Ordnance. *Balfore*, the Lieutenant of the *Tower*, hath proved an arrant Traytor to the King, who commanded him upon his Allegiance, to receive a Captain and an Hundred Men into the *Tower*, which he most trayterously refused to do.

There was a Report in *London*, That the Parliament House was on Fire; whereupon there were many Thousands of People very suddenly gathered together, whereby you may easily perceive the Height and Violence of the Peoples Affections. May 6. Anno Dom. 1641.

There was another Letter also produced, and that was sent from one *Phillips*, another of the Queen's Priests, intended, as is supposed, for Mr. *Montague*, to this Effect, ' You may expect some Company with you ' e're long; *Crofts*, *Suckling*, *Peircy*, *Fermin*, are gone; all things are in ' great uncertainties; a *Protestation* is made and taken by both Houses, ' much like, but much worse, than the *Scottish* Covenant. I sent you ' some Money by Mr. *Fermyn*; but now that he is gone, I make some ' doubt whether he might be mindful of you to take it with him. I have ' spoken to the Queen about your Occasions, and will do what I can, ' tho' I am not able to undertake much.

Your Loving Friend,

*Francis Phillips.*

The House of Commons having debated of the Matter of the said Design, relating to inveigling the Army, and the Nature of the Crime, passed the following Votes, viz.

*Resolved*, That Mr. *Henry Piercy* in the Months of *March* and *April* last, in the Parish of *St. Martins* in the County of *Middlesex*, did Compass, Plot, and Conspire with others, to draw the Army together, and employ the same against the Parliament, and by force and dread thereof, to compel the Parliament to agree to certain Propositions by them contrived, and to hinder and interrupt the Proceedings of the Parliament. The like Resolution in the same Words, concerning Mr. *Fermin* and Sir *John Suckling*.

*Resolved*, That in pursuance of the said Design, the said *Henry Piercy*, by the Plot and Combination aforesaid, did endeavour to persuade divers Members of the House of Commons of the said Parliament and others, being Officers of the said Army, that is to say, *Wilmot*, *Ashburnham*, *Berkley*, *Pollard*, and *Daniel O Neal*, that they were disobliged by the Parliament; thereby to incense them, and to affect them against the Parliament, and did hold divers Consultations with the said Parties, to effect the said wicked and dangerous Design; and to that purpose, did set down in Writing, certain Propositions, to the effect as followeth, viz. *The preserving of Bishops in their Functions and Votes; The not disbanding of the Irish Army, until the Scots were disbanded; And the endeavouring to settle the King's Revenue to the Proportion it was formerly.*

*Resolved,*

Several Votes  
against Mr.  
*Piercy* about  
the Plot.  
May 6.



*Resolved*, That the said *Henry Piercy* did, in pursuance of the Plot and Combination aforesaid, and for the more secret Carriage thereof, administer to the said Parties a wicked and unlawful Oath; whereby they did swear upon the Holy Evangelists not to reveal any Thing that was spoken concerning the Business, that was in Consultation, directly, or indirectly, nor to think themselves absolved by any other Oath that should be after taken by them, from the Secresy enjoyn'd by the said Oath.

16 Car.

*Resolved*, That the said *Hen. Piercy*, at the time the said Oath was taken, and at divers other times, did propound and endeavour to persuade the Persons before-named, and other Officers of the said Army, to put the said Army into a Warlike Posture, and to bring them up to *London*; and likewise to make themselves sure of the *Tower*, and so by force to compel the Parliament to conform to their Will: And he, with *Suckling*, &c. did endeavour to work a Belief in the said Army, That the King and Parliament would disagree; and so to persuade them to adhere to his Majesty against the Parliament; and said, That all the *French* about the City of *London* would assist them; and, to the great Scandal of the King, That the Prince and the Earl of *Newcastle* were to meet the Army at *Nottingham*, with a Thousand Horse; and that *Suckling*, to compass the Design of gaining the *Tower*, did contrive, that an Hundred Men, under Captain *Billingsly* should be designed for that Purpose, when the Opportunity was offered, to the end the City of *London* should not be able to make any Resistance, when the said Army should come up, according to the fore-mentioned Design; and *Suckling*, by the Means and Plot aforesaid did thereby endeavour, that the Earl of *Strafford*, then Prisoner in the *Tower*, might the better compass his Escape.

A Bill for the Security of the true Religion, the Safety and Honour of his Majesty's Person, the just Rights of the Subject, and the better Discovery and Punishment of Popish Recusants, was read the first and second time, and committed.

May 6.  
Bill for securing Religion.

A Bill for the continuance of this present Parliament, read the first and second time, and committed.

Bill for continuing this Parliament first read.  
Powder stoppt.  
The Earl of *Bristol* to be none of the Commissioners for assessing Subsidies.

That there may be stay of the 1500 Barrels of Gunpowder that are now shipt, to be sent to *Portsmouth*.

*Resolved*, That *John* Earl of *Bristol* shall be left out of the Names for Commissioners among the Lords, for Assessing of Subsidies, &c. and the Earl of *Stamford* put in his Place.

Mr. Solicitor Reports the Bill, Entituled, *An Act for the Continuance of this present Parliament*, with the Amendments; which were assented unto, and the Bill order'd to be engross'd.

An Act for the further Relief of the King's Army.

The Lord Mayor to bring in a List of all Papists about *London*, on *Monday* next, and that all Papists be suddenly disarmed; and a Letter sent into *Ireland* for the disbanding of the *Irish* Army.

Friday, May 7.  
1641.  
Papists.

An Act to prevent Inconveniences that may happen by the untimely Adjourning, Proroguing, and Dissolving this present Parliament, passed the third time, and sent up to the Lords.

The Continuance Bill sent to the Lords.

That Informations are come of some Forces in *Picardy*, to be transported into *England*, and probably to *Portsmouth*.

French Forces.

Ordered, That some Forces be drawn out of *Wiltshire*, and *Barkshire*, for the securing of *Portsmouth*: That Sir *John Hotham*, and Sir *Hugh Cholmley*, do go into the *North* with all speed; and Sir *Philip Stapleton*, and Sir *John Clotworthy* to *Portsmouth*.



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That care be had of *Kent*, and to press Men to serve in the King's Ships, and a Bill prepared to that Purpose.

That a Bill be prepared to restrain the increase of Buildings in and about *London* and *Westminster*, notwithstanding any License or Grant; and to consider whether these new Buildings be a Nuisance.

That the House be presently turned into a Grand Committee for the raising of 400000*l.* and all their Discourses shall be applied to that Purpose.

Queen desired  
not to go to  
*Portsmouth*.

Ordered, That the Lords be desired to move her Majesty to forbear her Journey to *Portsmouth*, to the end her Person may be here secure, not knowing what Danger her Royal Person may be in, if she go thither.

Ports stopt.

That his Majesty be desired to cause all the Ports to be stopt, that some Provision be made for the Safety of the Kingdom, that this Plot may be discovered, and some Course taken to satisfy the Army that hath been endeavoured to have been seduced; and to declare, that such Officers as shall discover any Thing in this Case shall be well esteemed of.

*Portsmouth* to  
be secured.

Ordered, That One Lord, and Two Commoners be instantly sent to *Portsmouth*, there being some *French* Forces drawn to the Sea-side; and if they find cause of Jealousy to suspect the Governor, forthwith to command him to come to the Parliament, and one of the Commissioners to come up with him.

That Provisions be made for the Isles of *Jersey* and *Guernsey*; and that both Houses joyn in a Letter to the Army, that they may see that there is good Correspondency between us and the Commanders of the Army, to give satisfaction to the Army, and to think of some fit way how the bottom of this Plot may be discovered.

May 8.

Ordered, That the 50000*l.* borrow'd by the Lords of the Great Council of *York*, of the Citizens of the City of *London*, for a Supply of his Majesty's Army in the *North*, shall be taken into consideration for the Repayment thereof by this House.

The Lords declare at a Conference, that the Lord *Mandevil* is gone down with a Commission to *Portsmouth*. That a Proclamation shall go forth to Day, that the Lord Admiral will take care, that the Ships designed for *Portsmouth*, shall be well fitted and manned with Trusty Men.

The Bill of  
Attainder of  
the Earl of  
*Strafford* pas-  
sed in the  
Lords House.

A Message from the Lords by Judge *Forster*, and Judge *Heath*, That the Bill of Attainder of the Earl of *Strafford* is passed in the Lords House, without any Alteration.

Ordered, That the Cessation of Arms do continue a Fortnight longer; That the House shall consider and Treat of no Business whatsoever, but the settling of the Peace of the Kingdom, providing of Moneys, and proceeding against Incendiaries and Delinquents, till these Businesses are brought to some Conclusion.

To prevent further Discontents in the Army, another Letter was this Day sent from the Commons, with the Consent and Concurrence of the Lords, to Sir *Jacob Ashley*, and Sir *John Conyer's* to be communicated to the Army in the *North*.



16 Car.

*A Letter from both Houses, inviting Commanders in the Army to make a full Discovery of the Plot, May 8.*

**W**Hereas there hath been just Cause of Jealousy, that there hath been some secret Attempt and Practices, to infuse into the Army a Mistake of this Parliament to some dangerous Intent and Purpose against this State; and that now the Matter is grown to strong Presumption upon further Discoveries; and by reason that some of those which were suspected to have been active therein, are fled upon the first stirring thereof, before they were once named. It pleaseth this House to declare, That notwithstanding they intend to search into the Bottom of this Conspiracy, yet purposing to proceed especially against the principal Actors therein, this House hath resolved, whereunto the House of Peers hath likewise consented, that for such of the Army as the Conspirators have endeavoured to work upon, if they will testify their Fidelity to the State, by a *total Discovery* of that which they know, and can testify therein, they shall not only be free from all Punishment, but also shall be esteemed to have done that which is for the Service of the State, in the discovering so dangerous a Plot: And for such of the Army as are and shall be found no ways tainted with the Design, or knowing any Thing thereof, shall make such Discovery as aforesaid, as this House shall no ways doubt of their Loyalty and Fidelity, so it will have a special Care, not only to satisfy all such Arrears as this House hath formerly promised to discharge, but also give a fair Testimony of the Sense they have of their present and past Warrs. And it is ordered by this House, That immediately after the Receipt hereof, you shall communicate this their Declaration unto all the Officers and Members of the Army under your Command.

Mr. *Hotham* was sent with a Message to the House of Lords, to desire their Lordships to joyn with them, to move his Majesty for his Consent to the Bill of Attainder, in regard the Peace of the Kingdom doth so much depend upon the execution of that Bill, which had passed both Houses; and accordingly a certain Number of the House of Peers were sent unto his Majesty, to acquaint him therewith; and also with the Bill for the continuance of this present Parliament.

Mr. *Hotham* sent with a Message to speed the Bill of the Earl of *Strafford's* Attainder, May 8.

The House being informed, that Ships were ready to be put to Sea, but that Mariners could not be got; it was the same Day resolved, That a Bill should be drawn to enable the pressing of Mariners for a certain time, the House being very tender of bringing the way of *Pressing* into Example.

A Bill for Pressing.

By the KING,

A Proclamation commanding *Henry Peirce, Esq; Henry Jermin, Esq; Sir John Suckling, Knt. William Davenant*, and Captain *Billingsly*, to render themselves within ten Days.

**W**Hereas *Henry Peirce, Esq; Henry Jermin, Esq; Sir John Suckling, Knt. William Davenant*, and Captain *Billingsly*, being by Order of the Lords in Parliament to be examined, concerning Designs of great Danger to the State, and mischievous Ways to prevent the happy Success and Conclusion of this Parliament, have so absented and withdrawn themselves, as they cannot be examined; His Majesty, by the Advice of the said Lords in Parliament, doth strictly charge and command the said *Henry Peirce, Henry Jermin, Sir John Suckling, William*



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Davenant, and Captain Billingsly, to appear before the said Lords in Parliament at Westminster, within ten Days after the Date hereof, upon pain to incur and undergo such forfeitures and Punishments as the said Lords shall order and inflict upon them.

Given at his Majesty's Court at *Whitehall*, the Eighth Day of *May*, in the Seventeenth Year of his Majesty's Reign.

GOD SAVE THE KING.

May 9.  
The King calls his Privy-Council to meet on Sunday; also some Bishops and Judges.

Sunday the Ninth of *May*, the King called his Privy-Council together at *Whitehall*, and propounded several Scruples unto them, concerning the Bill of Attainder of the Earl of *Strafford*. Some of the Judges and Bishops were present also, to whom his Majesty imparted his Doubts, and had their Opinions therein. In fine, his Majesty gave Order for a Commission, to empower the Earl of *Arundel*, the Lord Privy-Seal, and two other Lords, to give his Assent to the Bill, for the Execution of the Earl of *Strafford*; as also to the other Bill for the Continuance of this present Parliament.

May 10.  
The Commission passed.

The Commission passed under the Great Seal, for giving the Royal Assent to the Bill for the Execution of the Earl of *Strafford*; and the Commons were sent for to the House of Lords, to be present at the giving of the Royal Assent to the said Bill.

But Mr. *Maxwell*, Gentleman Usher of the House of Lords, coming into the House without knocking at the Door, and before he was called, without the Black Rod in his Hand, Exceptions were taken to both; whereupon he withdrew, and afterwards came again with the Black Rod, and did signify to the House, That his Majesty's Assent to the Bill of Attainder was now to be given by Commission; and that the Lords did expect Mr. Speaker, and the House of Commons, to come up.

Mr. Treasurer delivered a Message from the King, That his Majesty has already given Direction to prepare a Patent to make the Lord *Salisbury* Lieutenant for *Dorsetshire* (the Lord *Cottington* having offered to surrender up his Patent) saying further, *By this you may see how ready his Majesty is to satisfy all our just Requests, and is resolved to repose himself upon the Affections of his People.*

Mr. Treasurer is appointed to return Thanks to his Majesty.

The Royal Assent to the Bill for the Earl of *Strafford*, and that for continuing the Parliament.

The Bill of Attainder of the Earl of *Strafford*, and the Bill for preventing Inconveniencies, by the untimely Adjourning, Proroguing, or Dissolving this present Parliament, were both passed, the Royal Assent being thereto given by the Commissioners afore said.

The Bill of Attainder of *Thomas Earl of Strafford*, May 11.

Whereas the Knights, Citizens, and Burghesses of the House of Commons in this present Parliament assembled, have, in the Name of themselves, and of all the Commons of England, impeached *Thomas Earl of Strafford* of High Treason, for endeavouring to subvert the ancient and fundamental Laws and Government of his Majesty's Realms of England and Ireland, and to introduce an Arbitrary and Tyrannical Government against Law in the said Kingdoms, and for exercising a Tyrannous and Exorbitant power over, and against the Laws



Laws of the Kingdom, and the Liberties, Estates, and Lives of his Majesty's Subjects; and likewise having by his own Authority commanded the Laying and Assessing of Soldiers upon his Majesty's Subjects in Ireland, against their Consents, to compel them to obey his unlawful Summons and Orders, made upon Paper-Petitions, in Causes between Party and Party, which accordingly was executed upon divers of his Majesty's Subjects, in a Warlike Manner, within the said Realm of Ireland; and in so doing, did levy War against the King's Majesty and his Leige-People in that Kingdom: And also for that he, upon the unhappy Dissolution of the last Parliament, did slander the House of Commons to his Majesty: and did counsel and advise his Majesty, That he was loose and absolved from the Rule of Government; and that he had an Army in Ireland, by which he might reduce this Kingdom; for which he deserves to undergo the Pains and Forfeitures of High-Treason.

16 Caroli.

And the said Earl hath been an Incendiary of the Wars between the two Kingdoms of England and Scotland: All which Offences, have been sufficiently proved against the said Earl upon his Impeachment.

Be it therefore enacted by the King's most excellent Majesty, and by the Lords and Commons in this present Parliament assembled, and by the Authority of the same, That the said Earl of Strafford, for the heinous Crimes and Offences aforesaid, stand, and be adjudged and attainted of High-Treason, and shall suffer such pain of Death, and incur the Forfeitures of his Goods and Chattels, Lands, Tenements, and Hereditaments of any Estate of Freehold or Inheritance, in the said Kingdoms of England and Ireland, which the said Earl, or any other to his Use, or in Trust for him, have, or had, the Day of the first Sitting of this Parliament, or at any time since.

Provided, That no Judge or Judges, Justice or Justices whatsoever, shall adjudge or interpret any Act or Thing to be Treason, nor hear or determine any Treason, in any other manner than he or they should, or ought to have done before the making of this Act, and as if this Act had never been had or made. Saving always unto all and singular Persons, Bodies Politick and Corporate, their Heirs and Successors, others than the said Earl and his Heirs, and such as Claim from, by, or under him, all such Right, Title and Interest, of, in, and to all and singular such of the Lands, Tenements, and Hereditaments, as he, they, or any of them had before the first Day of this present Parliament, any thing herein contained to the contrary notwithstanding.

Provided, that the passing of this present Act, or his Majesty's Assent thereunto, shall not be any Determination of this present Sessions of Parliament; but that this present Sessions of Parliament, and all Bills and Matters whatsoever depending in Parliament, and not fully enacted or determined, and all Statutes and Acts of Parliaments, which have their Continuance until the end of this present Sessions of Parliament, shall remain, continue, and be in full force, as if this Act had not been.

The other Act then passed, was as followeth.

This Proviso hath occasioned the common Discourse and Opinion, That this Judgment against the Earl was enacted never to be drawn into Precedent in Parliament; whereas it expressly respects only Judges in inferior Courts.



An. 1641.

Anno 17. Caroli Regis.

An Act to prevent Inconveniencies which may happen by the untimely Adjourning, Proroguing, or Dissolving this present Parliament.

An Act for Continuance of the Parliament.

**W**hereas great Sums of Money must of necessity be speedily advanced and provided for the Relief of his Majesty's Army and People in the Northern parts of this Realm, and for preventing the imminent Danger it is in, and for supply of other his Majesty's present and urgent Occasions, which cannot be so timely effected as is requisite, without Credit for raising the said Moneys; which Credit cannot be obtained, until such Obstacles be first removed, as are occasioned by Fears, Jealousies, and Apprehensions of divers his Majesty's Loyal Subjects, that this present Parliament, may be Adjourned, Prorogued, or Dissolved, before Justice shall be duly executed upon Delinquents, publick Grievances redressed, a firm Peace between the two Nations of England and Scotland concluded, and before sufficient Provision be made for the Re-payment of the said Moneys so to be raised: All which, the Commons in this present Parliament assembled, having duly considered, do therefore most humbly beseech your Majesty, that it may be declared and enacted,

And be it declared and enacted by the King our Sovereign Lord, with the Assent of the Lords and Commons in this present Parliament assembled, and by the Authority of the same, That this present Parliament now assembled, shall not be dissolved, unless it be by Act of Parliament to be passed for that purpose; nor shall be, at any time or times, during the continuance thereof, prorogued or adjourned, unless it be by Act of Parliament to be likewise passed for that purpose: And that the House of Peers shall not at any time or times, during this present Parliament, be adjourned, unless it be by themselves, or by their own Order: And in like manner, That the House of Commons shall not, at any time or times, during this present Parliament, be adjourned, unless it be by themselves, or by their own Order: And that all and every thing or things whatsoever done, or to be done for the adjournment, proroguing, or dissolving of this present Parliament, contrary to this Act, shall be utterly void, and of none effect.

The Earl of *Strafford* presented the following Petition to the House of Lords.

To the Right Honourable the Lords Spiritual and Temporal, in this present Parliament assembled;

*The Humble Petition of Thomas late Earl of Strafford, Sheweth,*

The Earl of *Strafford's* Petition to the House of Peers, May. 10.

**T**HAT seeing it is the good Will and Pleasure of GOD, that your Petitioner is now shortly to pay that Duty which we all owe to our frail Nature, he shall in all Christian Patience and Charity, conform and



and submit himself to your Justice, in a comfortable Assurance of the great Hope laid up for us, in the Mercy and Merits of our Saviour, Blessed for ever.

Only he humbly craves leave to return your Lordships most humble Thanks, for your Noble Compassion towards those Innocent Children, whom now, with his last Blessing, he must commit to the Protection of Almighty GOD, beseeching your Lordships to finish his pious Intentions towards them; and desiring that the Reward thereof may be fulfilled in you, by HIM that is able to give *above all we are able to ask or think*, wherein I trust the Honourable House of Commons will afford their Christian Assistance.

And so beseeching your Lordships charitably to forgive all his Omissions and Infirmities, he doth very heartily and truly recommend your Lordships to the Mercies of our Heavenly Father, and that for His Goodness he may perfect you in every good Work. *Amen.*

*Tho. Wentworth.*

*His Majesty's Letter to the Lords, on the behalf of the Earl of Strafford, sent by the Prince.*

*My Lords,*

I Did Yesterday satisfy the Justice of the Kingdom, by passing the Bill of Attainder against the Earl of *Strafford*; but *Mercy* being as inherent and inseparable to a King as Justice, I desire at this time, in some Measure, to shew that likewise, by suffering that unfortunate Man to fulfil the natural Course of his Life in a close Imprisonment; yet so, that if ever he make the least Offer to escape, or offer directly or indirectly to meddle in any sort of publick Business; especially with me, either by Message or Letter, it shall cost him his Life without further Process. This, if it may be done without the Discontentment of my People, will be an unspeakable Contentment to me.

To which end, as in the first place, I by this Letter do earnestly desire your Approbation; and to endear it the more, have chosen him to carry it, that of all your House is most dear to me: So, I desire, that by a Conference you will endeavour to give the House of Commons Contentment: Likewise assuring you, that the excuse of *Mercy* is no more pleasing to me, than to see both Houses of Parliament consent for my sake, that I should moderate the Severity of the Law, in so important a Case.

I will not say that your complying with me, in this my intended *Mercy*, shall make me more willing, but certainly it will make me more chearful in granting your just Grievances. But if no less than his Life can satisfy my People, I must say, *Fiat Justitia*. Thus again recommending the Consideration of my Intentions to you, I rest

*Whitehall, May 11.  
1641.*

*Your Unalterable and  
Affectionate Friend,*

CHARLES R.

P. S. If he must die, it were Charity to Reprieve him 'till *Saturday*.

This Letter, all written with the King's own Hand, the Peers this Day received in Parliament, delivered by the Hand of the Prince. It was twice read in the House; and after Serious and SAD Consideration, the House resolved presently to send Twelve of the Peers, Messengers to the King;

*May 11.*



An. 1641.

humbly to signify, that neither of the two Intentions expressed in the Letter, could with Duty in them, or without Danger to himself, his dearest Consort, the Queen, and all the young Princes, their Children, possibly be advised: with all which being done accordingly, and the Reasons shew'd to his Majesty, he suffered no more Words to come from them, but out of the fulness of his Heart to the observance of Justice, and for the Contentment of his People, told them, That what he intended by his Letter was with an (*if*) If it may be done without discontentment of my People; if that cannot be, I say again the same that I writ, *fiat justitia*. My other Intention proceeding out of Charity for a few Days respite, was upon certain Information that his Estate was so distracted, that it necessarily required some few Days for Settlement thereof.

Whereunto the Lords answered, Their purpose was to be Suitors to his Majesty for Favour to be shew'd to his innocent Children; and if himself had made any Provision for them, that the same might hold.

This was well-liking to his Majesty, who thereupon departed from the Lords. At his Majesty's parting they offered up into his Hands the Letter it self which he had sent; but he was pleased to say, My Lords, What I have written to you, I shall be content it be Registred by you in your House. In it you see my Mind, I hope you will use it to my Honour.

This, upon return of the Lords from the King, was presently reported to the House by the Lord Privy-Seal, and ordered, that these Lines should go out with the King's Letter, if any Copy of the Letter were dispersed.

The House of Commons being this Day in a Grand Committee, to consider of the raising of Money.

Mr. Hyde Reports from the Committee of the whole House. Whereupon it was *Resolved* upon the Question, That 400000 *l.* be raised for the great Affairs of the Kingdom.

After which Report of Mr. Hyde's, Mr. Pym Reports the first Part of the Conference this Day had with the Lords, *viz.* A Letter from Captain Philip Carteret, concerning French Forces, drawn down to the Sea-side, about Three Thousand in Number, expecting their general Garrison, and suspected to have a Design upon *Portsmouth*.

Mr. Treasurer Reports the second Part of the Conference concerning the Safety of the Queen-Mother, and the Tumults that have been raised (in which Three Men have been slain) and some way for suppressing of them; and that it may be declared by Proclamation, That the King hath taken the *Queen Mother* into his Royal Protection; and that the Trained-Bands may be appointed for her Guard, and a List taken of her Servants: and that a Proclamation may be set forth to prohibit all Tumults, and drawing together of People, upon severe Penalties.

Mr. Pym further Reports from the free Conference with the Lords, That the Earl of Dorset said, he was commanded to represent to the House of Commons, That they had received many Petitions from *Merchants* ready to hoise Sail to Sea, which they could not do by reason of the *stopping of the Ports*, and that hereby they lose their Voyage, much of their Goods being perishable, and the Charges of stay great: Yet the House of Peers would not let the Ports be open, till they had acquainted the House of Commons therewith, to the end that they may join with them; which they have ordered accordingly to be done.

And

Subsidies  
400000 *l.*French Forces  
drawn to the  
Sea-side.Tumults a-  
bout the  
Queen-Moth.  
A Proclamati-  
on to prohibit  
Tumults.



And Mr. Treasurer reports another Part of the Conference, That the Earl of *Holland* said, That the Lords having been informed of the Fears the *Queen Mother* hath of the Disorders of the People, that she hath sent two or three Messengers to express her Apprehensions and Fears, *desiring a Guard*; and that he, being Lieutenant of *Middlesex*, gave Directions for a Guard of an Hundred Musqueteers, to be sent as a Guard to her Person: But he found great Unwillingness in some of them to go, saying, *They thought it fitter for them to do other Things, than to guard any Stranger*; which makes him think she may be in some Danger.

And this Day the Lords are informed by the Marshal of the City, that the *Multitude* talk of coming this Day into *St. James's Fields*, near the *Queen-Mother*. 'Now, said the Earl, if any Thing should happen to the *Queen*, it would be a great dishonour to the Nation, she being come hither for Protection from the King and *Queen* her Daughter, and ought to be considered as a Lady, who is Mother to the greatest Princess in *Christendom*: Besides, she hath lived here with that Modesty and Moderation, as it is to be wondred at.

The City Members also informed the House, That the *Disorders* of the *Multitude* are very great; and that the last Night there marched towards the *Tower* a Thousand Sailors, who were got together, having a *Flag of a Ship*, and pull'd down Two Houses: the *Train'd-Bands* opposed them, and kill'd Two of them. They pretended Ships were stopp'd, Trading was dead, and they must not want: So the Lords concluded, That they would desire the Advice of the Commons to prevent these Things.

Which being afterwards seriously taken into Consideration by the House of Commons, this Matter was referred to a Committee; who considered thereof, and ordered Mr. *Henry Martin*, Chairman of that Committee, to make Report of their Opinion to the House; and Mr. *Martin* made the Report following.

Mr. *Martin* Reports from the Committee concerning the *Queen-Mother*, That the Committee hath considered her Fears concerning the Tumults, and therefore should agree to all good Ways and Means, that might conduce to the Safety of her Person: but fearing, lest notwithstanding all the Means that have or may be used, may prove insufficient for the Assurance of her Protection; That the House do move their Lordships, humbly to beseech his Majesty, that her Majesty may be moved to depart the Kingdom, the rather for the quieting of those Jealousies in the Hearts of his Majesty's well-affected Subjects, occasioned by some ill Instruments about that *Queen's* Person, by the flowing of Priests and Papists to her House, and by the use and practice of the Idolatry of the *Mas*.

The Earl of *Strafford* was brought from the *Tower* to the Scaffold upon *Tower-hill*, where the Bishop of *Armagh*, the Earl of *Cleveland*, Sir *George Wentworth*, Brother to the said Earl of *Strafford*, and others of his Friends were present to take their leaves of him; but before he fitted himself to prostrate his Body to Execution, he desired Patience of the People to hear him speak a few Words; which the Author took in Characters from his Mouth, being then there on the Scaffold, viz.

My Lord Primate of Ireland, and my Lords, and the rest of these Noble Gentlemen, It is a great Comfort to me to have your Lordships by me this Day, because I have been known to you a long time, and I now desire to be heard a few Words.

16 Caroli.

Mr. Martin's  
Report touch-  
ing the *Queen-  
Mother*.Wednesday  
May 12.  
The Earl of  
*Strafford*  
brought to  
the Scaffold.

His Speech.



An. 1641.

I come here, my Lords, to pay my last Debt to Sin, which is Death; and through the Mercies of God to rise again to Eternal Glory.

My Lords, if I may use a few Words, I shall take it as a great Courtesy from you. I come here to submit to the Judgment that is passed against me. I do it with a very quiet and contented Mind; I do freely forgive all the World; a Forgiveness not Teeth-outwards (as they say) but from my Heart. I speak in the presence of Almighty God, before whom I stand, that there is not a displeasing Thought that ariseth in me against any Man; I thank God I say truly, my Conscience bears me Witness, that in all the Honour I had to serve his Majesty, I had not any Intention in my Heart, but what did aim at the joint and individual Prosperity of the King and his People, although it be my ill hap to be misconstrued. I am not the first Man that hath suffered in this kind, it is a common Portion that befalls Men in this Life; Righteous Judgment shall be hereafter; here we are subject to Error, and misjudging one another.

One thing I desire to be heard in, and do hope, that for Christian Charity's Sake I shall be believed. I was so far from being against Parliaments, that I did always think Parliaments in England to be the happy Constitution of the Kingdom and Nation, and the best Means, under God, to make the King and his People happy. As for my Death, I do here acquit all the World, and beseech God to forgive them in particular. I am very glad his Majesty conceives me not meriting so severe and heavy a Punishment, as the utmost Execution of this Sentence; I do infinitely rejoice in it, and in that Mercy of his, and do beseech God to return him the same, that he may find Mercy when he hath most need of it. I wish this Kingdom all Prosperity and Happiness in the World. I did it living, and now dying it is my Wish.

I profess heartily my Apprehension, and do humbly recommend it to you, and wish that every Man would lay his Hand on his Heart, and consider seriously, whether the beginning of the Peoples Happiness should be written in Letters of Blood: I fear they are in a wrong way; I desire Almighty God, that no one drop of my Blood rise up in Judgment against them. I have but one word more, and that is for my Religion.

My Lord of Armagh, I do profess my self seriously, faithfully, and truly to be an obedient Son of the Church of England; in that Church I was born and bred; in that Religion I have lived; and now in that I die; Prosperity and Happiness be ever to it.

It hath been said I was inclined to Popery; if it be an Objection worth the answering, let me say truly from my Heart, that since I was Twenty One Years of Age unto this Day, going on Forty Nine Years, I never had Thought or Doubt of the Truth of this Religion; nor had ever any the boldness to suggest to me the contrary, to my best Remembrance.

And so being reconciled to God, through the Merits of Jesus Christ my Saviour, into whose Bosom I hope shortly to be gathered, to enjoy eternal Happiness, which shall never have an end, I desire heartily to be forgiven of every Man, if any rash or unadvised Words or Deeds have passed from me, and desire all your Prayers; and so, my Lord, farewell, and farewell all Things in this World.

The Lord strengthen my Faith; and give me Confidence and Assurance in the Merits of Christ Jesus. I trust in God we shall all meet to live eternally in Heaven, and receive the Accomplishment of all Happiness, where every Tear shall be wiped from our Eyes, and sad Thoughts from our Hearts; and so God bless this Kingdom, and Jesus have Mercy on my Soul.

Then turning himself about, he saluted all the Noblemen, and took a solemn Leave of all considerable Persons on the Scaffold, giving them his Hand.

And



And after that, he said, *Gentlemen, I would say my Prayers, and I intreat you all to pray with me, and for me:* Then his Chaplain laid the Book of Common-Prayer upon the Chair before him, as he kneeled down; in which he prayed almost a quarter of an Hour; then he prayed as long or longer without a Book, and ended with the Lord's Prayer: Then standing up, he spy'd his Brother, Sir George Wentworth, and called him to him, and said, *Brother, we must part, remember me to my Sister, and to my Wife, and carry my Blessing to my eldest Son, and charge him from me, That he fear God, and continue an obedient Son of the Church of England; and that he approve himself a faithful Subject to the King; and tell him, That he should not have any private Grudge or Revenge towards any concerning me; and bid him beware to meddle with Church-Livings, for that will prove a Moth and Canker to him in his Estate; and wish him to content himself to be a Servant to his Country, as a Justice of Peace in his County, not aiming at higher Preferments. Carry my Blessing also to my Daughters, Anne and Arrabella, charge them to fear and serve God, and he will bless them; not forgetting my little Infant, that knows neither Good nor Evil, and cannot speak for it self; God speak for it, and bless it:* Then said he, *I have nigh done, one Stroke will make my Wife Husbandless, my dear Children Fatherless, and my poor Servants Masterless, and separate me from my dear Brother, and all my Friends; but let God be to you and them all in all.*

16 Caroli.

After that, going to take off his Doublet, and to make himself unready, he said, *I thank God I am no more afraid of Death, nor daunted with any Discouragements arising from any Fears, but do as chearfully put off my Doublet at this Time, as ever I did when I went to Bed;* then he put off his Doublet, and wound up his Hair with his Hands, and put on a white Cap.

His Death.

Then he called, *Where is the Man that should do this last Office, (meaning the Executioner) call him to me?* When he came and asked him Forgiveness, he told him, *he forgave him and all the World.* Then kneeling down by the Block, he went to Prayer again himself, the Bishop of Armagh kneeling on the one side, and the Minister on the other; to the which Minister, after Prayer, he turned himself, and spoke some few Words softly, having his Hands lifted up, the Minister closed his Hands with his: Then bowing himself to the Earth, to lay down his Head on the Block, he told the Executioner, *That he would first lay down his Head to try the fitness of the Block, and take it up again, before he laid it down for good and all;* and so he did: And before he laid it down again, he told the Executioner, *That he would give him warning when to strike, by stretching out his Hands;* and then laid down his Neck on the Block, stretching out his Hands, the Executioner struck off his Head at one Blow: Then took the Head up in his Hand, and shewed it to all the People, and said, *God save the King.*

This Day also Doctor Hacket being admitted into the House of Commons to speak what he thought fit to be offered to the Consideration of that Honourable House, on the behalf of Deans and Chapters, made a learned Oration to that purpose; wherein he insisted, That it tends to the Glory of God, the Advancement of true Religion and Piety, Encouragement of Learning, and Good of the Commonwealth: That in Queen Elizabeth's Time divers of the most learned Divines were placed in Cathedral Churches; who preached Two Sermons every Lords Day; and in every Week in the Year a Lecture; and Grammar-Schools are maintained by the Revenue of Cathedrals; and these Structures are the first Monuments of Christianity: St. Paul saith, *Thou that abhorrest Idols,*

May 12.  
Deans and  
Chapters.



An. 1641.

Liberty for  
Afternoon-  
Sermons in  
Cathedrals.

*Idols, dost thou commit Sacrilege?* It will be a poor Structure that is built upon the Ruins of the Rewards of Learning; nothing but Ignorance will follow, and upon the Chaos of that Ignorance, nothing but Prophane-ness and Confusion. After which, Dr. *Burgefs* made a large Answer to what had been alledged by the said Dr. *Hacket*; and the further Debate was adjourned to this Day Sevensnight; only the House at this time passed this Vote, That the Deans and Chapters of all Cathedrals in general, be from this House required and enjoined, to suffer the Inhabitants of the Places where Cathedrals are, to have free Liberty to have a Sermon preached in their Cathedrals every *Sunday* in the Afternoon.

Also the following Petitions were presented from the two Universities, in favour of the Deans and Chapters, and for their Continuance.

*Petition of the University of Oxford.*

To the High and Honourable Court of Parliament;

*The Humble Petition of the University of Oxford,*

*Sheweth,*

THAT whereas the University hath been informed of several Petitions, concerning the present Government of this Church, and Maintenance of the Clergy, which have of late been exhibited to this Honourable Assembly; we could not but think our selves bound in Duty to God, and this whole Nation, *Charity* to our selves and Successors, who have and are like to have more than ordinary Interest in any Resolution that shall be taken concerning Church Affairs, in all humility, to desire the continuance of that Form of Government, which is now established here, and hath been preserved in some of the *Eastern* and *Western* Churches, in a continual Succession of Bishops, down from the very Apostles to this present Time, the like whereof cannot be affirmed of any other Form of Government in any Church. Upon which Consideration, and such other Motives as have already been represented to this Honourable Parliament, from other Persons and Places (with whom we concur) in behalf of Episcopacy, we earnestly desire, That you would protect that Ancient and Apostolical Order from Ruin and Diminution.

And become further Suitors for the Continuance of those pious Foundations of Cathedral Churches, with their Lands and Revenues;

As Dedicated to the Service and Honour of GOD, soon after the Plantation of Christianity in the *English* Nation.

As thought fit and useful to be preserved for that end, when the Nurseries of Superstition were demolished, and so continued in the last and best Times, since the blessed Reformation under King *Edward VI.* Queen *Elizabeth*, and King *James I.* Princes renowned through the World for their Piety and Wisdom.

As approved and confirmed by the Laws of this Land, Ancient and Modern.

As the principal outward Motive and Encouragement of all Students, especially in Divinity, and the fittest Reward of some deep and eminent Scholars.

As



‘ As producing or nourishing, in all Ages, many Learned and Godly Men, who have most strongly asserted the Truth of that Religion we profess, against the many fierce Oppositions of our Adversaries of Rome. 16 Caroli.

‘ As affording a competent Portion in an ingenuous Way to many younger Brothers of good Parentage, who devote themselves to the Ministry of the Gospel.

‘ As the only means of Subsistence to a Multitude of Officers and other Ministers, who, with their Families, depend upon them, and are wholly maintained by them.

‘ As the main Authors or Upholders of divers Schools, Hospitals, Highways, Bridges, and other publick and pious Works.

‘ As special Causes of much Profit and Advantage to those Cities where they are situate, not only by relieving their Poor, and keeping convenient Hospitality, but by occasioning a frequent resort of Strangers from other Parts, to the great Benefit of all Tradesmen and Inhabitants of those Places.

‘ As the goodly Monuments of our Predecessors Piety, and present Honour of this Kingdom in the Eye of Foreign Nations.

‘ As the chief Support of many Thousand Families of the Laity, who enjoy fair Estates from them in a free way.

‘ As yielding a constant and ample Revenue to the Crown ; and as by which many of the Learned Professors of our University are maintained.

‘ The Subversion or Alienation whereof, must (as we conceive) not only be attended with such Consequences, as will redound to the scandal of many well-affected to our Religion, but open the Mouths of our Adversaries, and of Posterity against us ; and is likely, in time, to draw after it harder Conditions upon a Considerable Part of the Laity, and universal Cheapness and Contempt upon the Clergy ; a lamentable Drooping and Defection of Industry and Knowledge in the Universities, which is easy to foresee, but will be hard to remedy.

May it therefore please this Honourable Assembly, upon these and such other Considerations, as your great Wisdoms shall suggest, to take such pious Cares for the Continuance of these Religious Houses and their Revenues, according to the best Intentions of their Founders, as may be to the most furtherance of God's Glory and Service, the Honour of this Church and Nation, the Advancement of Religion and Learning, the Encouragement of the modest Hopes and honest Endeavours of many hundred Students in the Universities.

*Who do and shall ever Pray, &c.*

*Dat. Anno Dom. Millesimo Sexcent. Quad' primo è domo Convocationis, in celebri Conventu Doctorum ac Magistrorum, omnibus & singulis Assentientibus.*



An. 1641.

Letter from the University of Cambridge to the House of Commons, read in the House, May 12. 1641.

Honoratissimis Viris Equitibus, Civibus, & Burgenfibus, Supremæ Curiae Parliamentariæ Senatoribus Consultissimis.

*Summâ cum Demissione.*

Senatores Honoratissimi,

**N**on veremur ne volventibus tanta negotia molesti simus Academia Cantabrigiensis, cum nihil sit aut ad Religionem certius, aut ad splendorem nominis excelsius, quam suscipere Literarum Clientelam. In quo studio, cum singularis animi vestri propensio semper eluxerit, tum nulla in re magis possit eminere, quam si Ecclesiæ honestamenta ea, quæ sub optimis Regibus tam diu obtinuerunt, indelibata tueamini.

Non enim agitur unius Academiae, non unius ætatis causa; nam nec Industria poterit non relanguescere, nec bona Indoles ali, atque augeri, nec vota Parentum non in irritum cadere, nisi spe non vanâ suffulciantur. Quam præmaturum putemus bonis Artibus occasum imminere, si stipendium idem Militi sit quod Imperatori? Sunt qui expediendis scholasticorum ambagibus, evolvendis antiquorum Patrum Monumentis, expurgandæ fæci Romanæ, velut Augæ stabulo, se totos impenderunt; nec aliam mercedem prensant, quam in Ecclesia Cathedrali, tandem aliquando quasi in portu conquiescere; ita fit, ut quod ignavis asylum inscitiae est, id Candidioribus Ingeniis pro stimulo sit ad optima persequenda, nec Æquitas Judiciorum vestrorum ferret improbitatem nonnullorum in publicam calamitatem redundare. Impetigo Romana quam amplam tum sibi nacta videbitur se defendendi materiam, cum non sit nisi imbelles adversarios habitura? Neque enim certamini vacare possunt, qui id unice agunt, ut in Rostris Concionibus sudent; etiamnum persentiscere nobis videmur nudam & inanem Academiam, & antiquam paupertatem quasi præludio perhorrescimus: nec vestra progenies non aliquando ventura est in tantarum miseriarum partes. Quin itaque, Senatores Amplissimi! per spes parentum, per illecebras Industriæ, per subsidia simul & ornamenta Pietatis, per vincula, nervos & firmamenta Literarum, velitis splendorem Ecclesiæ, qui longissimis ab usque temporibus, ad nostra tempora deductus est, Authoritate vestra communire. Sed quia Lingua nativa dolores & desideria sua fœlicius exprimit, annexam Literis Petitionem benevolis Auribus excipietis.

Honori vestro Deditissimi,

Data è frequente Con-  
ventu nostro Cantabr.  
tertio Idus Aprilis,  
1641.

Procancellarius, Reliquusque Cætus  
Academiae Cantabrigiensis.



To the Honourable the Knights, Citizens, and Burgeſſes, of  
the Houſe of Commons, aſſembled in Parliament.

*The Humble Petition of the University of Cambridge.*

*Sheweth,*

‘ **T**hat your Petitioners having heard of divers Suggeſtions offered to  
‘ this Honourable Court, by way of Remonſtrance, tending to  
‘ the Subverſion of Cathedral Churches, and Alienation of thoſe Lands,  
‘ by which they are ſupported, being the ancient Inheritance of the Church,  
‘ founded and beſtowed by the Religious Bounty of many Famous and  
‘ Renowned Kings and Princes of this Land, and other Benefactors both  
‘ of the Clergy and Laity, and eſtabliſhed and confirmed unto them by  
‘ the Laws of this Kingdom; and ſo accordingly have been employed to  
‘ the Advancement of Learning, the Encouragement of Students, and  
‘ Preferment of Learned Men, beſides many other pious and charitable  
‘ Uſes.

‘ May it pleaſe this Honourable Court, out of their great Wiſdom and  
‘ tender Care for the cheriſhing of Learning, and furtherance of  
‘ the Studies and Pains of thoſe who have and do devote themſelves  
‘ to the Service of the Church, graciously to protect and ſecure  
‘ thoſe Religious Foundations from Ruine and Alienation; and  
‘ withal to take order that they may be reduced to the due Obſer-  
‘ vation of their Statutes; and that all Innovations and Abuses,  
‘ which have by ſome Men’s Miſcarriages crept in, may be reformed,  
‘ that ſo the Students of our University, which by the preſent Fears  
‘ are diſcouraged, may be the better invited to purſue their Studies  
‘ with Alacrity, and the Places themſelves diſpoſed to the moſt ſer-  
‘ viceable and deſerving Men, according to their firſt Inſtitution;

*And your Petitioners, as in Duty bound, ſhall ever pray, &c.*

Upon a Conference with the Lords, it was concluded, That there  
ſhould be an Order throughout the Kingdom, that all ſhould make known  
what Arms they have in their Cuſtody; and that all Papiſts be diſ-  
armed.

May 13.

*Resolved,* That whereas ſome Doubts have been raiſed concerning the  
meaning of theſe Words in the Proteſtation, [*The true Reformed Proteſtant  
Religion, expreſſed in the Doctrine of the Church of England, againſt all  
Popery and Popiſh Innovations in this Realm*]: The Houſe doth declare,  
That by theſe Words, was and is to be intended and meant only the pub-  
lick Doctrine profeſſed in the ſaid Church; and that the ſaid Words are  
not to be extended to the maintaining of any Form of Worſhip, Diſcipline,  
or Government, nor of Rites or Ceremonies.

The Patent concerning Fullers-Earth, and the Transportation thereof,  
to be taken into ſpeedy Conſideration, to prevent the ſame.

The Gentleman-Uſher acquainted the Houſe, That his Maſteſty was  
come to the Houſe of Lords, and expected their Attendance; the Houſe  
forthwith repaired thither, and preſented the three Bills following to be  
paſſed, *viz.*

1. A Bill for the Abbreviation of *Michaelmas*-Term.
2. A Bill for the preſſing of Mariners for the King’s Ships.
3. A Bill for the Remainder of the fix entire Subſidies.



An. 1641.



And Mr. Speaker made this Speech to his Majesty on that Occasion.

*The Speaker's Speech, May 13.*

*May it please Your Most Excellent Majesty,*

**T**HE great Security of the Kingdom rests in the happy Concurrence of the King and People, in the Unity of their Hearts.

Those joined, Safety and Plenty attend the Sceptre; but divided, Distraction and Confusion, as Briars and Thorns, over-spread and make the Land barren; there is then no Peace to the King, no Prosperity to the People. The Duties and Affections of your Subjects, are most transparent, most clear, in the cheerful and most liberal Contributions given, to knit fast this Union with the Bond of Peace.

The Treasures of the Privy-Purse, are but the Supplies of Fancies, warranted by a common Interest; but the publick Treasure given by common Assent, supports Royal Dignity, is sheltered under the Wings of Prerogative, and by that Power is covered from the Eyes, from the Touch of Deceivers.

In These we render *Cæsar* what is due to *Cæsar*, and Tribute to whom Tribute belongeth.

The proper Inscription of the Crown is born here, and censures those malignant Spirits that dare whisper into the Ears of Sacred Majesty, That our selves only, not your Sacred Person, nor your Royal Posterity, are the Supreme Objects of the Givers.

The Preservation of the publick Union, the Supply of your Armies, the Distresses, miserable Distresses of the Northern Parts, the common Calamities of the Times, begat the Consideration of this Bill (the Remainder of the six entire Subsidies, happily presented to your Sacred Majesty by this unworthy Hand :) The first Vote advanced a Credit to us, to issue them for the Use of your Sacred Majesty.

The full Perfection adds Growth to that Credit, and enables us to return to your Sacred Majesty, as to the Ocean, the Tribute due to Justice and Sovereignty: These are the Earnests of our vast Desires, which take their Rise from our due Regards for the Safety of your Throne, and of your Posterity.

Your Royal Assent stamps your Image here, and makes this Yours, and Yours only, which I by the Commands of the Commons do humbly beseech of your Majesty to grant.

And accordingly, his Majesty then gave his Royal Assent to all the said three Bills.

May 14.

*Ordered*, That *Sussex* be provided with Ammunition.

**A Warrant to Transport Mr. Henry Jermin into France.**

**CHARLES R.**

**C**olonel Goring, *These are to Command you to provide with all Speed, a Ship for this Bearer, to carry him to Diep or Calais, or any other Part of France that the Wind may be good for; and if there be any of my Ships or Pinnaces ready to go forth, you shall command the Captain or Master of such Ship or Pinnace, to receive him and his Servants, and carry him into France; for which this shall be a Warrant to the Captain or Master you may employ: And hereof you nor they are not to fail, as you or they will answer the contrary at your Peril. Given at White-Hall this Fourteenth of May, 1641.*

To our Trusty and Well-beloved  
Servant, *George Goring*, Governour of *Portsmouth*.

A Conference desired with the Lords, concerning Mr. *Piercy*.

A



A Committee to present the State of the Accompts of *Northumberland, Durham, Cumberland, Westmorland, Barwick, and Newcastle.*

*Ordered*, That the Consideration of the Printing of certain Verses, under the Name and Picture of *Thomas* late Earl of *Strafford*, be referred to a Committee.

That *Mr. D'avenant* the Poet, supposed to be concerned in the late Conspiracy for bringing up the Army to over-awe the Parliament, and lately taken at *Feversham*, as he was endeavouring to escape out of the Land, be committed to the Custody of the Serjeant-at-Arms.

*Ordered*, That no new Business or Petitions should be received into the House, or by any Committee, for one Month next following. And that all Committees should speedily bring in what Business they have in hand and ready, and so to be delivered up to the Lords; and that all Delinquents, as for the Wine-Business, and others that have been laid aside, shall be brought in for dispatch.

*Resolved*, That this House doth approve of the Affection of their Brethren of *Scotland*, in their desire of a Conformity in Church-Government between the two Nations, and doth give them Thanks for the same.

The House receiving Information of great resort of *English* Papists to Masses at Ambassadors Houses, passed the following Order for preventing the same.

*June 17. Maij, 1641.*

It is this Day *Ordered* by the House of Commons now assembled in Parliament, That the Lord Mayor of *London*, the Justices of Peace of *Middlesex, Westminster*, and the Liberties of the Duchy of *Lancaster*, and those of *Surry* that are for the Borough of *Southwark*, and the Places adjoining, do employ their best Endeavours to prevent, That none of the King's Subjects do frequent the Houses of any of the Ambassadors, *Somerset-House*, or *St. James's*, to hear Mass: And that they give an Account to this House of the Execution of this Order, at all such times as by the said House they shall be required.

The Lord *Cottington* having resigned his Place of Master of the Court of Wards, the Lord *Say* was this Day admitted thereunto, and sworn.

*Ordered*, That the Consideration of the Paper, called the *Scots Belief*, be referred to the Committee for Printing.

The House fell upon the second Head of the *Scots* Demands, *For a settled Peace*, and a Message came from the Lords, certifying, That they did well approve of the *Scots* Demand in this point, That neither Kingdom should wage War without Consent of both Parliaments; but this was remitted to their Lordships, desiring they would explain themselves in this Point, what should be termed a *waging of War*.

In the Afternoon a Committee appointed concerning the Archbishop of *Canterbury's* causing divers printed Books to be seized on, where it was *Ordered*, That those Bibles that were printed beyond Sea, with Notes, and seized on, should be delivered back to the Owners, and publick Sale made of them.

Another Committee for the High-Commission Court, another for Breach of Privilege of Parliament, in 3 *Car.* and another to consider what Committees are fit to sit till the House be adjourned.

One *Newton*, a Popish Priest, was committed to the *Gate-House*.

A Message to the Lords, desiring that the *French* Letters might be stopt

16 *Car.*

Monday, May 17.

Mr D'avenant taken and committed.

Uniformity in Church-Government between the two Kingdoms.

An Order to prevent going to Mass.

May 18.

Treaty with the Scots.

May 19.

Newton a Popish Priest.



An. 1641.

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Dr. *Juxon* re-
signs his
Place of
Treasurer.Thursday, May
20.High-Com-
mission.May 21.
Oath of Ca-
nonical Obe-
dience laid
aside.May 22.
Mr. *Rolls's*
Case.Monday,
the 24th.
Captives in
Algier.Book of
Rates to be
increased.Popish Re-
cusants.

this Week, as they were the last, and viewed by a Committee ; which was done accordingly.

Bill read concerning Episcopacy, to take away the Bishops Votes in Parliament; and that no Clergyman shall intermeddle in secular Affairs.

Dr. *Juxon*, Bishop of *London*, Lord Treasurer, resigned his Staff; and that Office was committed to five Commissioners, viz. The Lord Keeper, Lord Privy Seal, Lord Chief Justice of the Common-Pleas, Lord *Newburgh*, and Secretary *Vane*.

The House of Commons fell upon the *Irish* Affairs, and a Bill was read concerning Sir *G. Ratcliff*, and Mr. *Sammon*.

The Proceedings of the High-Commission Court, against Mr. *Walker* a Minister in *London*, and his close Imprisonment, being taken into Consideration, it was voted, That the said Proceedings and Imprisonment were illegal: That he ought to have Reparations for his Sufferings, and be restored to his Benefice.

Then they fell upon the Business of *London-Derry* and *Colerain*, upon which there was a Committee appointed: Also another Committee, upon the Complaints against Doctor *Stern*, Master of *Jesus-Colledge* in *Cambridge*.

Ordered, That no Minister be forced hereafter to take any Oath at his Induction, but such as shall be warranted by Scripture.

A Message sent to the Lords, touching the Disbanding of the Armies, if not totally, yet part and part at a Time: Upon which, Mr. Treasurer made report, That there was in Arrear due to the *Scots* 120000 *l.* besides the 300000 *l.* And it was voted by both Houses, That both Armies should be satisfied and disbanded next Month.

The Bill concerning Episcopacy sent up to the Lords.

The Case of Mr. *Rolls*, a Merchant, was reported, complaining of the Barons of the Exchequer, for denying of a Replevin for his Goods, which were seized upon for not paying of Tonnage and Poundage, it not being granted by Act of Parliament.

The House proceeded upon the *Scots* Demands, and particularly upon that Article, That all Incendiaries of War betwixt the Kingdoms, being of *Scotland*, should be tried in *Scotland*; and of *England*, in *England*; and such as fled into either Country, to be returned: On debate of which, the House was divided; and upon the Question, it was carried by Ten, in the Affirmative.

Upon Mr. *King's* Report from the Committee for the *Captives of Algier*, it was resolved, That his Majesty be moved to send some fit Person, at the Charge of the Merchants, to the Grand Seignior, to demand the *English* Captives in *Algier*, and other the *Turks* Dominions; and that in some convenient time after such Person's Departure out of *England*, a Fleet of Twenty Ships and Pinnaces be sent to *Algier*, to assail the Town and their Ships, if the Captives be not delivered upon demand.

Resolved, That the Opinion of this House is, That the *Book of Rates* being agreed and settled, there shall be One in the Hundred laid upon Trade, over and above the Sum expressed in the Book of Rates, to be employed by Commissioners to be appointed by the Parliament for this special Use.

Ordered, That the Knights, Citizens, and Burgeses in Parliament, do respectively give an account with all speed, of the *Names* of such *Popish Recusants* as are in their several Counties, Cities, and Boroughs; and that the Clerk of the Peace and Assizes may be required to return the *Names* of all such as are convict Recusants, into the Exchequer.

Ordered,

Ordered, That the Committee for the Bill to prevent Dangers that may happen by Popish Recusants, do prepare an Order concerning the speedy disarming of all Popish Recusants, as well Convict as not Convict, to present the same to the Lords, to the intent that an Ordinance of Parliament may be made accordingly.

16 Car.
Popish Recu-
sants.

A Bill read in the House of Commons, That no Barge or Lighterman in *England* or *Wales*, should load or unload any Goods or Wares on the Sabbath-day.

May 25.
Sabbath-day.

Upon Debate in the House concerning Customers, about their paying of Tonnage and Poundage, not granted by Parliament; the House was informed by a Member thereof, That the Customers are willing to give 100000*l.* in Satisfaction: Whereupon the House passed this ensuing Vote.

Customers.

Resolved, That all Collections of any Sums of Money, by colour or pretence of Subsidies and Imposts upon any Merchandise whatsoever, not granted by Consent of Parliament, are against Law, Liberty, and Property of the Subject; and that all such Persons as have collected or taken any Sums of Money not granted by Consent in Parliament, are Delinquents.

This Day the House again took into Consideration the speedy raising of Monies upon the Customers: upon which the great Farmers, namely Sir Paul Pindar, Sir Abraham Dawes, Sir John Worsnam, and Sir John Jacob, delivered a Petition to the House of Commons, wherein they humbly acknowledge their Delinquency, but pleaded Ignorance, and proffer'd 150000*l.* for a Composition, to be paid within a Month, in lieu of their parts of the 700000*l.* desiring there might be an Act of Oblivion pass'd upon it.

May 26.

Mr. Glyn reports the Case of the *Vintners*, concerning the Imposition of 40*s.* per Tun upon Wines.

That in *December* 1633, a Decree was made in the Star-Chamber, to restrain *Vintners* from *dresssing Victuals*.

Vintners not
to dress Vi-
tuals, by a
former De-
cree in the
Star-Cham-
ber.

That in *February* 1634, they preferr'd a Petition to the Council-Board, to be relieved against this Decree, and to have Liberty to dress Meat; and upon the Loan of 6000*l.* had Liberty to dress Meat till *December* following.

6000*l.* giv-
en for Li-
cense to
dress, not-
withstanding
that Decree.

That some of them dress Meat after that time of License was expired; and thereupon *Stanley* and *Forster* were cited into the Star-Chamber; and a Proposition was made, that if they would pay 40*s.* per Tun, they should be freed from that Danger.

That on the 11th of *June*, 1634, an Indenture Quadripartite was made between the King, and Twenty-eight *Vintners* named, the *French* and *Spanish* Merchants; wherein there were many Covenants expressly against Law, such as a Covenant, allowing them to enter into any Man's House; and they that should refuse, to be punished at the Council-Board: And whereas the whole 6000*l.* should have been paid entirely by the *Vintners*, they deducted in the Payment thereof 8*s.* per Pound; so that the King recived 190000, and the Subject paid above 17000*l.* Upon the whole matter of this Report it was

An Inden-
ture Quadri-
partite be-
tween the
King and
Vintners.

Resolved, First, That the Patent for the Payment of 40*s.* per Tun on Wines by the Merchants, is illegal in the Creation, and a Grievance.

Resolves a-
gainst the
Patents for
Wines.

Secondly, That the Imposition of one Penny in a Quart on *French* Wines, and 2*d.* in a Quart on *Spanish* Wines, is a Grievance.

Thirdly, That the Patent of Imposition of 40*s.* per Tun, is illegal in the Creation, and a Grievance in the Execution thereof.

Fourthly,

An. 1641.

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*Fourthly*, That Alderman *Abel*, and Mr. *Richard Kilvert*, are the Principal Promoters, both of the Creation and Execution of this illegal Imposition of 40 s. per Tun.

*Resolved*, That there shall be a Bill prepared, declaring the Offences of Alderman *Abel*, and *Richard Kilvert*, to the end they may be made Exemplary.

*Resolved*, That a Proclamation, dated July 15, in the Fourteenth Year of the King, prohibiting the Wine-Coopers to buy or sell Wines, is illegal, and against the Liberty of the Subject.

*Resolved*, That the Penny imposed upon a Quart of *French* Wines, and Two pence a Quart upon *Spanish* Wines, ought to be no longer paid by the Subject, nor demanded by the Vintner.

*Resolved*, That 150000 l. shall be imposed on the Farmers of the Customs, in Satisfaction of their Delinquency to the Commonwealth, to be paid at the Time express'd in the Petition: And this House doth agree, That an Act of Oblivion shall pass, according to the several Limitations made in the Report.

*Ordered*, That Mr. *Whitaker*, Sir *John Franklyn*, Sir *Gilbert Gerard*, Sir *Arthur Ingram*, and Mr. *Glyn*, shall have Power to call before them Sir *Kenelm Digby*, Dr. *Frier*, and Sir *John Winter*, and offer them the Oaths of Allegiance and Supremacy; and if they refuse them, to proceed against them according to Law.

Mr. *Peard* reports from the Committee for Courts of Justice, the Case of *William Flower*, who was committed by Sir *John Lamb*, for having in his Custody a Book, Intituled *News from Ipswich*, and then committed to the Counter by the said Sir *John Lamb*, and continued there Nine Months.

*Resolved*, That the Imprisonment of *William Flower* was illegal and unjust, and principally in Sir *John Lamb*.

*Resolved*, That the said *William Flower* ought to have Reparation against Sir *John Lamb*, for the Damages sustained, &c. and that a Bond given by him for his Appearance, ought to be delivered up.

One Mr. *Tailor*, a Barrister and Burgefs for *Old Windsor*, was brought upon his Knees in the House of Commons, for speaking of some Words in Disparagement of the whole House, about the Earl of *Strafford's* Death, saying, *They had committed Murther with the Sword of Justice; and that he would not for a World have so much Blood lie on his Conscience as did on theirs for that Sentence.* Which Words being proved against him by the Mayor of *Windsor* (to whom he spake it) and some others, he was expell'd the House, and voted incapable of ever being Parliament-man, committed to the Tower during Pleasure, to be carried down to *Windsor*, there to make Recantation for those Words, and to return back to the House of Commons to receive further Sentence; and it was ordered that a Writ should presently issue out for a new Election in his room.

A Message from the Lords for a Conference upon a Commission from his Majesty, to the Lord Keeper, and some others, for passing of Three Private Bills. 1. For the naturalizing of *Dorothy Spencer*. 2. For the Marquis of *Winchester* to grant Leases for Twenty-one Years, or Three Lives. 3. For enabling the Earl of *Winchelsea* to sell Lands to pay his Debts; and to settle other Lands on his younger Children.

The Bill sent up to the Lords, for depriving Bishops of their Votes in Parliament, meeting there with Obstructions, there had a new Bill been brought into the House of Commons, for the taking away of Archbishops, Bishops, Deans, Archdeacons, &c. and their Government; which now

Farmers of the Customs to pay 150000 for their Delinquency.

Oaths of Allegiance and Supremacy to be tendered to Sir *Kenelm Digby*, &c.

A Report against Sir *John Lamb*.

May 27. Mr. *Tailor* a Member, expell'd the House.

Private Bills.

Bishops Votes in Parliament.



was read in the House; and a great Debate arose, Whether it should be read again, or laid aside? And during this Debate, a Message came from the Lords, signifying that they would be ready to concur with the Commons as to the former Bill, except only taking away their Voices in Parliament. But this Message took little Effect with the Commons; and so the Question being put for reading the Bill a second Time, was carried in the Affirmative.

An Order for a Writ to issue for a new Election of a Citizen for London, in Mr. *Cradock's* Place, lately deceas'd.

A Bill against Pluralities and Non-Residents read.

The House was busie upon the Bill of Subsidies.

A Bill read for quite taking away the Jurisdiction of the Star-Chamber.

A Charge of High-Treason, and other High Crimes and Misdemeanours brought in against Judge *Berkley*. Upon Information that Alderman *Abel* and Mr. *Kilvert* had conveyed away their Plate and Goods, an Order was made for their standing committed to the Tower; but upon their humble Petition superseded, till a Report should be made of their Charge.

In the Afternoon the House appointed divers Committees to meet; one touching Recusants; at which the Oath of Allegiance and Supremacy was administred to divers Papists, who took them both. But for refusing the last, one Sir *Robert Hodgson*, a *Northumberland* Knight, was sent to *Newgate*.

About the latter end of this Month of May 41. the King did declare *Robert Earl of Leicester*, Lord Lientenant-General of *Ireland*, Heir to Sir *Philip Sidney* his Uncle, as well as to Sir *Henry Sidney* his Grandfather, who long continued Chief Governour of *Ireland* in the Reign of Queen *Elizabeth*. But before this Noble Person could go over, that Kingdom was in a Flame, by the horrid Rebellion which broke forth the 23d of *October* following.

The House debated what Committees should sit till the Adjournment, and appointed *Twenty* for the most material Businesses to be continued, viz. The Committee for numbring of Papists, and disarming them; The Committee of *Twenty-four*, for the Remonstrance; The Committee for Sir *Peter Riccard*; The Committee for the Estate of the King's Army; the Committee for *James's* Fort, in stabbing of Justice *Heywood*, &c.

Sir *John Strangeways* moved in the behalf of himself, and the Fifty-nine that voted against the Bill of Attainder of the Earl of *Strafford*, That there might be some Order taken, for that they went in fear of their Lives, great Abuses being lately offered them; and this he the rather moved, because his Name was inserted and posted in the List of the *Straffordians*, though when that matter was in Agitation he was absent, and at his House in *Dorsetshire*.

There was a Debate touching letting the Customs to new Farmers, and making a new Book of Rates.

Captain *Ven*, chosen a Member for London, in the room of Mr. *Cradock*, lately deceas'd, this Day took his Place in the House.

A Petition delivered to the Commons by divers Citizens of London, against the Abuses of Parliament Protections, alledging, that if there were not some speedy Order for the calling in or regulating the same, they would occasion the undoing of many Families; whereupon the Petition was referred to a Committee for that purpose.

16 Car.

May 28.

May 29.

Mond. May 31.

Star Chamber

Judge Berkley.

Papists.

Earl of Leicester to be Lieutenant of Ireland.

Tuesd. June 1.  
What Committees to sit.

Straffordians in danger.

June 2.  
Protections.

It



An. 1641.

Archbishop  
of Canterbu-  
ry.

It being informed, That the Archbishop of *Canterbury* did use his Episcopal Power in ordaining Ministers, &c. in the Tower, it was moved, that there might be an Order to restrain the same. But it was generally thought more fit, for Prevention, to hasten the Proceedings for his Tryal.

Mr. *Taylor* of *Windsor*, lately committed, petitioned to be restored upon his Submission, but was refused.

Sir *John Harvey*, and Sir *Nicholas Crispe*, preferred a Petition on behalf of themselves and the rest of the Customers, for a longer Time to pay for their Fines; but it would not be granted.

Tonnage and  
Poundage.

A Bill voted for granting his Majesty Tonnage and Poundage.

The House falling into Debate about raising of Monies for the Armies; it was insisted upon, that no less than Eight hundred thousand Pounds would suffice for that Purpose: Whereupon it was moved, in respect Monies could not be procured so suddenly as is required, there might be order taken for the melting of a Proportion of Plate, and turning it into Coyn; which Motion was well liked, and referred to a Committee.

Plate to be  
melted.Papists to be  
disarm'd.

A Bill read for the disarming of Papists, by the Justices of Peace in their several Counties.

Dr. *Cadman*.

In the Afternoon Dr. *Cadman* took the Oath of Allegiance, but desired Time to consider the taking of the Oath of Supremacy, for that he had thought the Pope to be Head of the Church, and made a large Speech to that Purpose. And one *Sandford* was committed for enticing a young Gentlewoman to go beyond Sea to be a Nun: And Mr. *Beefton* and Mr. *Allen* committed for refusing the Oaths of Allegiance and Supremacy.

Papists com-  
mitted.June 3.  
Barge-men.

The Bill to restrain Barge-men, Lighter-men, and others, from labouring and working on the Lord's-day, read a second Time.

Going in  
Procession.

An Order for regulating the manner of going about the Perambulation, or Circuits of Parishes, commonly called *Going in Procession*, requiring that there shall not be any Service read, or Psalm sung, as in some Places had been used.

The Lords  
Conference  
for Bishops  
to have Votes  
in Parlia-  
ment.

The Lords at a Conference gave Reasons why they do not judge it unlawful for the Bishops to have Votes in Parliament. And for their Right to Vote there, they conceive by the Common and Statute Law, and ancient Practice, there's no question of it. And as for any Inconveniencies, they do not yet understand any such as might induce them to deprive the Bishops, and their Successors of their Right, and for removing them from the Star-Chamber, Council-Table, or any Office in Secular Affairs, their Lordships fully concur with the Commons.

Printing.

Ordered, That the Committee for Printing, do consider of a Book, intituled, *The Order and Course of passing of Bills*.

Garrisons of  
*Berwick* and  
*Carlisle*.

A Message from the King to the Lords, That his Majesty is desirous, that all Things between his Two Kingdoms of *England* and *Scotland*, be reduced into the same State they were in before the beginning of the late Troubles; and therefore he doth give his Assent to the Advice of his Two Houses of Parliament; That the Garrisons of *Berwick* and *Carlisle*, upon the disbanding of the *Scottish* Army now in *England*, and of all such Forces as are gathered together in *Scotland*, be likewise presently removed: And that the Fortifications of *Berwick* and *Carlisle* be also reduced to the same Condition they were in before the last Troubles; so that all Fortifications in *Scotland* be likewise put into the same Condition they were in before the said Troubles,



A Bill against the Convocation; and that the late Canons be declared void and unlawful; and those that made them to be punish'd, as in case of *Præmunire*.

Mr. *Davenant* was again brought before the Committee of both Houses, and Examined.

The House fell into a Debate of the Fee claimed by the Muster-Masters, and

*Resolved*, That the Warrant from the Council-Board, by which Sir *John Corbet* was committed (for speaking against the said Fee) was an illegal Warrant, and that he ought to have Reparation for his unjust Vexation and Imprisonment, and that the said Council make the same: And the House thinks fit that the Attorney-General take the Information in the Star-Chamber, against the said Sir *John*, off the File; and that he and others of the Privy-Council, whose Hands are at the Warrant for the said Sir *John Corbet's* Commitment, ought to join in the making of him Reparation, *viz.* Archbishop of *Canterbury*, Lord *Cottingham*, &c.

*Resolved*, That the Imposition of 30 *l. per Annum*, levied upon the Subjects of the County of *Salop*, for the Muster-Master's Fee, by the Earl of *Bridgewater*, Lord Lieutenant of that County, is an illegal Charge, and against the *Petition of Right*; and that it is an high Presumption for a Subject to impose any Tax upon the Subject; and the taking of it is an Extortion, and against the Right of the Subject.

In Pursuance of the late Motion for the Coining of Plate, divers Goldsmiths were sent for to attend that Committee, to resolve what sort of Plate might be melted with the least Loss. Also the Minters attended to certify what Expedition they could make in the Coining of it. And agreed,

That for the relieving the present Necessity of Money, a Proportion of Plate should be melted for Coyn; and that the same shall be Trencher-Plate, and Dish-Plate: And that all such, from whom any such Plate shall be taken, shall have Security for it, and be repaid, either in Plate or Monies.

Heads for a Conference with the Lords Reported, That the Bishops ought not to have Votes in Parliament:

1. Because it is a great Hindrance to their Ministerial Function.  
2. Because they do vow and undertake at their Ordination, when they enter into holy Orders, that they will give themselves wholly to that Vocation.

3. Because Councils and Canons in several Ages, do forbid them to meddle in Secular Affairs.

4. Because the Twenty-four Bishops have Dependence on the Two Archbishops, and take their Oath of Canonical Obedience unto them.

5. Because they are but for their Lives, and therefore are not fit to have Legislative Power over the Honours, Inheritances, Persons, and Liberties of others.

6. Because of Bishops Dependency and Expectancy of Translation to Places of greater Profit.

7. That the several Bishops have of late much encroached upon the Consciences and Liberties of the Subject; and they and their Successors will be much encouraged still to encroach; and the Subject will be much discouraged from complaining against such Encroachment, if Twenty-six of that Order be to be Judges upon that Complaint. The same Reason extends to their Legislative Power in any Bill to pass for the Regulation of that Power, upon any emergent Inconveniency by it.

16 Car.

Convocation

Davenant.

June 4.

Sir Jo. Corbet's Commitment illegal.

Muster-Master's Fee illegal.

Melting of Plate.

Reasons why Bishops ought not to have Votes in Parliament.

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they are  
whole soul  
in money  
riches and



An. 1641.

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8. Because the whole Number of them are interested to maintain the Jurisdiction of Bishops; which hath been found so grievous to the Three Kingdoms, that *Scotland* hath utterly abolished it.

9. Because the Bishops, being Lords of Parliament, it setteth too great a Distance between them and the rest of the Brethren in the Ministry; which occasioneth Pride in them, Discontent in others, and Disquiet in the Church. And as to their having Votes a long Time, the Answer is, if it be inconvenient, Time and Usage are not to be considered with Law-makers: Some Abbots voted as anciently in Parliament as Bishops, yet are taken away.

To these Reasons there was soon after an Answer printed, called *An Abstract*, &c. (said to be done by the Archbishop of *York*) and to that presently came forth a Reply; but these being but the Works of particular Men, we refer the Reader to the Prints.

Upon a Complaint of divers Pamphlets lately printed, and of several Speeches falsely and defectively publish'd; it is

*Ordered*, That the Company of Stationers take care for the future to prevent the printing of such Pamphlets and Speeches, and that no Books shall be printed without License.

Warrants granted out against several that were complained of, to have got surreptitious Protections.

*Ordered*, That one *Robinson*, a Servant and Clerk in the Custom-House, who preached for Mr. *Crabtree* in his Pulpit; *John Spencer*, being but an Horseman, *Adam Banks*, late a Seller of Stockings, and one *Green*, who preached privately in the House of one Mr. *Green*, in *Crutchet-Friars*, shall be summoned to attend the House on *Monday* in the Afternoon, at Two of the Clock.

The House resolved into a Committee about the speedy raising of 40000 *l.* for the Army.

*Resolved*, That the Cessation of Arms continue upon the same Terms as formerly, for Fourteen Days longer.

Mr. *Crew* further reports the Articles of the Treaty between us and the *Scots*.

The Customers were warned to bring in some of their Fines, in respect of the present Necessities of the Publick. After which, the House proceeded with the Bill for *Tonnage* and *Poundage*; and divers Officers of the Custom-House, as the Surveyor and others, were appointed to attend next Day concerning the same.

In the Afternoon they appointed several Committees to sit; as a Committee for Protections; at which it was concluded, That divers Protections should be annull'd, some being surreptitiously obtained, others procured by Persons of Ability, on purpose to defeat their Creditors. Also a Committee concerning the Archbishop of *Canterbury*; another concerning Soap; another concerning the two Parts of Recusants Lands; another touching Leather, and one concerning Printing, where two Printers were committed for Offences in that kind.

The Lords House this Day re-assuming the Debate of Episcopacy, voted for the Bishops retaining their Votes in Parliament.

Sir *Paul Pindar* ordered to attend the House on the Morrow.

In the Afternoon the House being resolved into a Committee concerning the late Plot for bringing up the Northern Army, and sitting somewhat late, there happened some Words to be spoken, as if Col. *Goring* was a perjured Man for discovering the Plot to the House, having taken an Oath of Secresie. In debate whereof being very earnest, Candles were called for, but

Saturday,  
June 5.  
Books to be  
Licensed.

Preachers  
not in Or-  
ders, sum-  
moned.

Monday,  
June 7.  
Cessation.

Protections  
annull'd, &c.  
Committees.

The Lords  
vote that the  
Bishops shall  
continue  
their Votes in  
Parliament.  
June 8.  
Disorder in  
the House a-  
bout bring-  
ing in Can-  
dles.



but the major Part opposed it; yet Candles being brought by a Mistake, and commanded out again, Sir *Will. Widdrington*, and Mr. *Herbert Price*, irregularly took the Candles, and brought them in, contrary to the general Sense of the House; whereupon there was some Stir in the House about it, and the Committee rose.

The Disorder last Night in the House was complained of, and Mr. *Hollis* made a Speech in Aggravation of the Gentlemens Offence that occasioned it; shewing, That there ought to be no Heats nor Distempers within the House, being a Rule of Order; and if there be *within*, well there might be *without*; which might have tended to great Mischief, if Parties should have side thereupon. After a full Debate, Sir *William Widdrington*, and Mr. *Herbert Price* (though they submitted themselves to the House) were committed to the *Tower*.

A Bill for *Regulating the Council-Table*, and taking away the Court, commonly called the *Star-Chamber*, and the *High-Commission Court*, was passed, and sent up to the Lords.

Then the House falling into Debate of the Business of bringing up the Army against the Parliament; it was

*Resolved*, That Col. *Goring*, in this Deposition of his, concerning this Discovery, hath done nothing contrary to Justice or Honour, but hath therein deserved very well of the Commonwealth and this House.

Also there was a Bill read for the melting of a quantity of Plate to be turned into Coin, That every one that hath 20 *l.* worth of Plate, shall send half of it to be coined, and in the mean time to have Security and Interest for the Forbearance; such as live within Ten Miles, to send up their Plate within Four Days; within Twenty Miles, in Fourteen Days; and those that live within sixty Miles, within Twenty Days. But after some Debate, it was referred to a Committee; and the Warden of the Mint, and other Officers, with the Company of Goldsmiths, were ordered to attend that Committee on *Friday* following.

In the Afternoon there was a Committee appointed for the Queen's Jointure, another for the Treasury, and a third for Recusants Lands.

*Resolved*, That 100000 *l.* promised to be paid by the Farmers of the Customs, and the 120000 *l.* promised to be lent by the City, and 150000 *l.* promised to be lent by the Merchant-Adventurers, shall be disposed of for the Relief of the Northern Counties, and of disbanding the Armies.

*Ordered*, That Dr. *Bastwick* be restored to his Place in the College of Physicians, and to the Liberty of his Practice as formerly.

The Lord *Digby* was this Day called by Writ to sit in the Lords House.

The Business of Episcopacy coming again into debate, lasted from Seven a Clock in the Morning, 'till Night; and it was

*Resolved*, That the Preamble to the Bill concerning the same, shall be in these Words:

‘Whereas the Government of the Church of *England*, by Archbishops and Bishops, their Chancellors and Commissaries, Deans, Archdeacons, and other Ecclesiastical Officers, hath been found by long Experience, to be a great Impediment to the perfect Reformation and Growth of Religion, and very prejudicial to the State and Government of this Kingdom.

In this long Debate, the Authority of that very ancient Parchment Manuscript-Copy of the Bible, remaining in his Majesty's Library at St. *James's*,

16 Car.

June 9.

Sir W. Widdrington and Herbert Price, sent to the Tower.

Council-Table and Star-Chamber.

Col. Goring justified by the House.

Melting of Plate.

June 10. Moneys for disbanding the Armies.

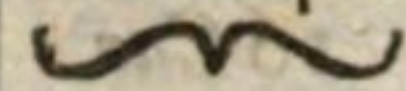
June 11. Dr. Bastwick restored. Lord Digby

Preamble to the Bill against Episcopacy.

The Postscripts of the Epistles to Timothy and Titus, questioned.



An. 1641.



June 12.

A<sup>c</sup>t against  
Ship-Money.A<sup>c</sup>t against  
Knighthood.Hull Regi-  
ment, andfour more to  
be disbandedMr. Piercy his  
Letter to the  
Earl of Nor-  
thumberland.A Letter  
from some  
Officers of  
the Army, to  
Mr. Darly.June 14.  
Wilmot, Ash-  
burnham, and  
Pollard, exa-  
mined about  
the Plot.  
and comit-  
ted.Earl of Straf-  
ford's Chil-  
dren restored  
in Blood.Tumult at  
St. Saviours  
Southwark.

and sent to his Majesty by *Cyrrillus* Patriarch of *Alexandria*, being all written in great Capital Greek Letters, was vouched and asserted by Sir *Simon d' Ewes* (a great Antiquary) wherein the Postscripts to the Epistles to *Timothy* and *Titus*, are only thus: *The first, to Timothy, written from Laodicea: The second, to Timothy, written from Laodicea: To Titus, written from Nicopolis.* Whence he inferred, That the stiling of *Timothy* to be the first Bishop of *Ephesus*, and *Titus* the first Bishop of *Crete*, were the spurious Additions of some Eastern Bishop or Monk, at least five hundred Years after Christ.

Ordered, That a Bill be prepared for declaring unlawful and void the late Proceedings touching *Ship-Money*, and for the vacating all Records and Procefs touching the same.

A Bill for preventing vexatious Proceedings, touching the Order of Knighthood, read.

That the Regiment at *Hull*, under the Command of Sir *Tho. Glemham*, be first disbanded.

That the Regiment of Col. *Fielding*, Col. *Vavasor*, Lord Marquiss *Hamilton*, and Col. *Wentworth*, shall be next disbanded.

The House sending to the Earl of *Northumberland*, to know whether he had received a Letter (being the Letter before recited) from his Brother Mr. *Hen. Piercy*, he said he had received one of his own Hand-writing, in which there is some relation concerning the discovery of the late Plot, but withal he writes of private Business between him and his Brother; but if the House will command a Copy of so much as concerns the Plot, he is willing to cause the same to be written out of the Letter it self, in the presence of any Members of this House; and for the present, he saith, That his Brother acknowledgeth the taking the Oath of Secresie with others: That there was a Consultation of other Designs, by other Persons, which he was not called unto: That the Company of them who had tied themselves, by that Oath, were resolved to assist the King in some Particulars, if it should be denied by Parliament, viz, First, To maintain Bishops in their Rights and Functions: The *Irish* Army not to be disbanded, 'till the *Scotch* Army were: To keep up the King's Revenue.

A Letter from divers Officers of the Army was read, and likewise a Copy of a Letter, written formerly to Mr. *Hen. Darly*; which being taken into Consideration, Commissary *Wilmot*, Captain *Ashburnham*, and Captain *Pollard*, were examined in the House one after another, but one being present at a time: Whereupon it was Resolved, That they should all three be committed Prisoners, upon suspicion of *High-Treason*, viz. Mr. *Wilmot* to the *Tower*, Mr. *Ashburnham* to the *King's Bench*, and Mr. *Pollard* to the *Gate-house*. And further ordered, That Sir *John Berkley*, and *Dan. O Neal*, be sent for as Delinquents, upon Suspicion of *High-Treason*.

A Bill for restoring in Blood and Honour, Sir *Will. Wentworth*, Knight, and the rest of the Children of the late Earl of *Strafford*, and for the settling of the Lands and Tenements of the said late Earl upon his Heirs, &c. was read.

A Complaint was this Day exhibited to the House of Lords, by the Minister and several Inhabitants of *St. Saviour Southwark*, against some unruly People, who not only refused to receive the Sacrament kneeling, but abused the Minister in the Celebration thereof; and came a day or two after, and violently pull'd down the Rails which were placed about the Communion-Table, having no Authority so to do.

Resolved,



*Resolved*, That all Deans, Deans and Chapters, Archdeacons, Prebendaries, Chanters, Canons, and Petty-Canons, and their Officers, shall be utterly abolish'd and taken away out of the Church.

That all the Lands taken by this Bill, from Deans and Chapters, shall be employ'd to the advancement of Learning and Piety, provision being had and made that his Majesty be no Loser in his Rents, First Fruits, and other Duties; and that a competent Maintenance shall be made to the several Persons concerned, if such Persons appear not Peccant and Delinquents to this House.

Whilst the Matter was in debate, at the Committee of the whole House, the following Speech was made upon that Occasion, by Mr. *Will. Thomas*.

*Mr. Thomas his Speech, about Deans, &c. June 15.*

Mr. *Hide*,

I Have heretofore delivered the Reasons that induced me to yield my several Votes, touching the Corruption and Unsoundness of the present *Episcopacy* and *Church Government*, so for their Unlawfulness of their intermeddling in Secular Affairs, and using Civil Power, as also the harm and noxiousness of their sitting as Members in the Lords House, and Judges in that most Honourable and High Court: Now I crave Leave to do the like, in shewing the Reasons of my Vote concerning *Deans* and their Office: I say, that my Opinion then was, and now is, That as the Office is *unnecessary*, themselves *useless*, so the Substance of the one, and Continuance of the other *needless*; nay, rather, as I will declare, *most hurtful*; therefore may be easily spared, nay rather ought to be abolished. My Reasons are these: That the Office of Deans doth neither tend or conduce (as some have alledged) to the Honour of God, the Propagation of Piety, the Advancement of Learning, or Benefit of the Commonweal; but *è contra*, that they occasion the Dishonour and Disservice of God, the Hindrance, if not the Destruction of Piety, the Suppression and Discouragement of Learning and learned Men, and the Detriment and Prejudice of Church and Commonweal. This, I conceive, I shall make most apparent, if Time and your Patience will permit; but first I humbly crave leave (and I think it will not be impertinent) to declare what *Deans* were originally, in their first Birth; secondly, what in their Increase and further Growth; and, lastly, their present Condition, being at their full, and, as I think, their final Period.

As to their *Original*, it is not to be denied, but themselves and Office are of great Antiquity, St. *Augustine* declaring both; but I do not say that it is an ancient Office in the Church; but what Officers *Deans* then were, be pleased to hear from St. *Augustine's* own delivery, in his Book *De moribus Ecclesiæ Catholicæ* (if that Book, as also that of *Monachorum* be his, which *Erasmus* and others have doubted): *The Monks* (saith he) *for their more Retiredness and better Contemplation*, appointed Officers which they called *Deans*; the Office of them, and why they were so call'd, he delivereth in these Words, as near as I remember: *Opus autem tradunt illis quos Decanos vocant (eo quod sunt Denis præpositi), ut neminem illorum cura sui Corporis tangat, neque in Cibo, neque in Vestimento, neque si quid aliud vel quotidianâ necessitate, vel mutata (ut assolet) Valetudine: hi autem Decani magna sollicitudine, omnia disponentes & præsto facientes quicquid illa vita propter imbecillitatem corporis postulet.*

Here we see the Office of *Deans* in St. *Augustine's* time; Antiquity sufficient, but not Antiquity for being Officers of the Church; therefore they do not rightly plead Antiquity, as to the Point now controverted, the Question being whether the Office as now it is exercised, be the same that it was then. Sure they shall find it not only different, but in a manner quite contrary; they are deceived that urge it; but they are to know, that this Judicious House is able to discern and distinguish a Counterfeit face of Antiquity from the true; and in vain do they, with the *Gibeonites*, labour to deceive us by old Sacks, old Shoes, old Garments, old Boots, and old Bread that is dry and mouldy: Therefore to no purpose, and causeless do they charge us to affect *Novelty*, and to offer to take away

16 Car.

Deans and  
Chapters to  
be abolished.  
June 15.



An. 1641. away Church Governour and Governments. What these Men, I mean *Deans*, were originally, we see; how they came to be Presbyters, and of the Ministers, and for what Cause, I shall hereafter declare: But we may not think this charging of us as Innovators strange, when as Christ himself had his Doctrine censured as new; *What Doctrine is this?* said the Jews, *Mark* 1. 17. We are not then to expect we shall escape the like Censure of Innovating.

The Servant is not above his Lord, nor the Disciple above his Master; and indeed so St. Paul found it; for the *Grecians* made the same demand to him: May we (say they) know what this *new Doctrine* is, whereof thou speakest? *Acts* 17. But let us *liberare animas nostras, conscientia satisfacimus, nihil in famam laboremus, consentiamus in eo quod convenit, non in eo quod traditum.*

But to return where I left. Granting the Name and Office, we find them to be only Caterers or Stewards to provide Food and Raiment for the Monks; whose Garments as they were not costly, so neither was their Fair dainty, being but Bread and Water, as witnesseth St. *Jerome*, *Athanasius*, *Theodoret*, and others; and *Surinus* in the Life of *Paconius* testifieth the same. To have the like Employment now, I neither deny nor envy them.

Well; now let us see how they increased in Authority, and came to be accounted Officers of great Dignity. Then thus: When for the Austerity of their Lives, and Opinion of their Sanctity, Princes and others did bestow Lands and Revenues upon the Monks, then their *Praposti* the Deans did partake of their Honours and Possessions, and then began the Corruption and Poisoning of them: *Tunc venenum infunditur in Decanos, Religio peperit divitias, & Filia devoravit Matrem.* Answerable whereto is that of St. *Hierom*, in *Vitas Patrum*, since Holy Church increased in Possessions, it decreased in Virtues: the like hath St. *Bernard*, and many others.

Thus we see that the Spring that was clear in the barren Mountains, descending down to the richer Valleys, becomes thick and muddy, and at last is swallowed by the brinish Ocean, *Salsum per dulces imbibet Aequor aquae.* But to deliver it in the Words of an Honourable Author: *Time*, saith he, is most truly compared to a Stream, that conveyeth down fresh and pure Water into the salt Sea of Corruption, which environeth all humane Actions; and therefore if a Man shall not by his Industry, Vertue, and Policy, as it were with the Oar, row against the Stream and Inclination of Time, all Institutions and Ordinances, be they never so pure, will corrupt and degenerate; which we shall see verified in Deans and their Officers. For now being endowed with great Possessions it was ordained they should be chosen out of the Presbytery to that Place, *Ne sit Decanus nisi Presbyter*, as I find in St. *Bernard*. Well; Did they rest in this State and Condition? No, They must be Civil Magistrates, Chancellors, or Keepers of the Seal, Lord Treasurers, Privy-Counsellors; Or what have they not of Lay-Offices, Dignities, and Titles? I will not trouble you with enumeration of particular Deans, I will only cite one, tho' if the time permitted, I might cite twenty-one; and that is a Dean of *Paul's*, about An. 1197. who was made a Lord Treasurer, who carrying that Office, quickly hoarded up a great Treasure; at last falling into a deadly Disease past recovery, he was exhorted by the Bishops and great Men, to receive the Sacrament of Christ's Body and Blood; which he trembling at, refused to do; whereupon the King admonished and commanded him to do it: He promised him thereupon to do it the next day. Being admonish'd to make his Will, he commanded all to void the Room but one Scribe; who beginning to write his Will in the accustomed Form, *In the Name of the Father, of the Son, &c.* the Dean perceiving it, commanded him in a rage to blot it out, and these Words only to be written: *I bequeath all my Goods to my Lord the King, my Body to the Grave, and my Soul to the Devils;* which being uttered, he gave up the Ghost: The King hereupon commanded his Carcass to be carried into a Cart, and drowned in the River. Good God, what a Change is this! from being humble Servants to poor Monks, to become proud Prelates, Peers to Princes! *Quantum mutati ab illis? Nunc Cigni qui modo Corvi.* They now forsake their *Templa Paupertatis & Templa Pietatis*, *tanquam noxima numina*, and only allow and make choice of *Templa Honoris & Templa Fortunae*. They then took care for the poor Monastery, but now poorly care for the Ministry: and to speak no less truly than plainly, they do either just nothing, or what is worse, nothing that is just. But not to trace them further, let us examine what their present Office is, which we find so honoured and dignified.



In the Constitutions of *Hen. 8.* and *Edw. 6.* thus I read: *Decani quoque cum in Clero amplam dignitatem & locum honoratum in Ecclesiâ sortiantur, Presbyteri sumto, viri graves, docti, & magna prudentia insignes, Cathedrales Ecclesias juxta illarum constitutiones regant, Collegio tam Canonico quam Clericorum Ecclesiæ majoris præsent, neque disciplinam labi sinant, provideantque summâ diligentia ut in sua Ecclesia sacri Ritus ordine, ac juxta ratione peragantur, utque omnia ordine & convenienti gravitate ad fratrum utilitatem agantur: ut Archidiaconi foris, sic illi domi, hoc est in Ecclesia Cathedrali, & eorum Canonici & Clerici Episcopo sint adjumento quasi duo ejus membra utilissima & necessaria. Quare nec Decani abesse debent à sua Ecclesia, sine maxima & urgentissima causa ab Episcopo approbata.* I have declared the whole Chapter entire, because I would deal clearly.

16 Car.

Afterwards, in the Ninth Chapter, I read preaching to be part of their Duty: *Concionem habeat Decanus in Ecclesia Cathedrali singulis diebus Dominicis.*

Thus their Office is declared to be these Particulars following:

*First,* To Rule and Order the Church, and to look to the Repair, and for the Decoration thereof, as is also elsewhere enjoined.

*Secondly,* To preserve Discipline and Holy Rites.

*Thirdly,* To be Adjuments or Assistants to the Bishops in the Cathedrals, as be the Archdeacons abroad; part of which Assistance is, as seemeth, to preach for them; but the Bishops will excuse them that Service as too painful, nay forbid it as too dangerous. But tho' they will not busie themselves in preaching, yet have they Leisure to be inventive and operative in poor beggarly Toys and Trifles, which neither bring Honour to God, nor Good to the Church and People. Their preaching and godly Life did anciently win the People's Hearts to love God, and them as his Ministers, whom they received as Angels of God, Ambassadors from Heaven. Humility, Piety and Industry laid the Foundation of all those magnificent Structures, Dignities, Titles, Places, Revenues, and Priviledges, wherewith the Church-men were anciently endowed. What hath, or is likely to waste and demolish them, is easie to conjecture; King *James* hath delivered it in these Words: 'The natural Sickness that hath ever troubled, and been the Decay of all Churches since the Beginning of the World, hath been Pride, Ambition, and Avarice; and these Infirmities wrought the overthrow of the Popish Church in this Country and divers others; but the Reformation of Religion in *Scotland*, was extraordinarily wrought by God, tho' many things were inordinately done, by such as blindly were doing the Work of God. Thus far that Wise and Religious Prince.

But lest I should forget a principal part of the Office, *Church-Musick*, it shall have here the first Place; the rather, for that, as I read, the first coming in thereof, was to usher *Antichrist*: For I do find in my reading, that *Anno 666.* the Year that was designed or computed for the Coming of *Antichrist*, *Vitalian* Bishop of *Rome*, brought to the Church *Singing of Service*, and the *Use of Organs*, &c. as we read in *Platina*, *Baleus*, and others, in the Life of *Vitalian*, who therefore was called *the Musical Pope*; although at that time there was greater Occasion of *Sorrow*, the *Longobards* having entered and wasted *Italy*; and therefore Fasting and Praying had been more proper than Musick or melodious Singing. Hereupon (saith mine Author) Ignorance arose among the People, lull'd, as it were, asleep by the confused noise of many Voices. This carried Colour of advancing Devotion, altho' it was no better (as the Case then stood) than the Altar erected to the unknown God, *Acts 17.* Hereby the Key of Knowledge was hid, *Luke 11.* when the common People understood not what was sung; and the heat of Zeal was quenched in Men of Understanding, whose Ears were tickled, but Hearts not touched, whilst (as *St. Augustine* complains of himself) most were more moved with the Sweetness of the Song, than by the Sense of the Matter, which was sung unto them; working their Bane, like the deadly Touch of the *Aspis*, in a tickling Delight, or as the soft Touch of the *Hyana*, which doth infatuate and lull asleep, and then devoureth. If Service in the Latin or unknown Tongue, whereof the simplest People understood somewhat, was justly censured, certainly this manner of singing Psalms and Service, whereof the most Learned can understand nothing, is to be condemned. I dislike not singing, tho' by Musick of Organs and other Instruments; but



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but I wish that what is sung may be understood: And as *Justinian* the Emperour commanded all Bishops and Priests to celebrate Prayer with a loud and clear Voice, *non tacito modo*, that the Minds of the Hearers might be stirred up with more Devotion to express the Praises of God; so wish I that Service and Psalms may be so read and sung, that they may be understood, and so edifie the Mind, as well as please the Ear.

Now I am to declare, that this Office doth neither tend to the Honour of God, the Propagation of Piety, the Advancement of Learning, or Benefit of the Commonweal; but to the contrary, as I have delivered, rather to the Dishonour, &c. But the Day being so far spent, I will not assume too much Boldness to press upon your Patience for further hearing thereof; but will crave leave for futher rendering thereof at fitter Opportunity, and your better Conveniency.

But the Business proceeding vigorously in the House, we do not find an further Speech made by this Gentleman on this Subject. But Mr. *Thomas Pury* (an Alderman of *Gloucester*) did at the same time thus express himself.

### Mr. Pury's Speech against Deans and Chapters.

Mr. *Hide*,

I Rise not up to answer the Arguments of the learned Gentleman of the Long Robe that spake last, which were to prove some Incoherence of the Preamble with the Body of the Bill concerning the abolishing of Deans and Chapters, in respect of their Government in the Church of *England*, who have none at all, as hath been argued: But there are some Reasons stick with me, whereby I do conceive, that the Deans and Chapters have been and are part of the Government of the Church of *England*; and that the Preamble and Body of this Bill, therein may very well stand together. For if you take the Deans and Chapters in their Original, who (as it was said by a Learned Serjeant over against me) were first founded in Superstition, allied to your Regular Monks; or if you consider them as in Institution to be *Consilium Episcopi*, to assist Bishops in their Government and Discipline; or if you look upon those Deans and Chapters of the last Foundation by King *Henry VIII.* yet certainly they are, in all these Capacities, a part of the Government of the Church of *England*; and as well the Rural as the Cathedral Deans, are numbred by your own Writers amongst Church-Governours; and they are in and amongst themselves a part of the Church-Government: And by the Book of Reformation of Ecclesiastical Laws, they are to govern themselves according to their Statutes of Foundation; and to keep them pure and entire, so far as they are not repugnant to the Word of God, and our Constitutions of Religion.

And for the better Satisfaction of this Committee and my self, here is a Copy of the Statutes, Grant, and Foundation of the Dean and Chapter of our Cathedral of *Gloucester*: I have read them over, and do find, 1. The End wherefore the Lands and Possessions were granted to them. 2. The Manner and Form of their governing themselves. And, Lastly, their several Oaths to keep all the Statutes prescribed unto them. And because of my weak Memory, please you to give me Leave to read the Words in the King's Grant, Englished thus:

' We have erected and constituted Cathedrals and Colleges in the Place of  
' Monasteries, to the End that where Ignorance and Superstition did reign,  
' there the sincere Worship of God should flourish, and the Holy Gospel of  
' Christ Jesus be daily and purely preached. And further, that the Encrease of  
' the Christian Faith and Piety, the Instruction of Youth in good Learning,  
' and the Sustentation of the Poor, should be for ever there kept, maintained,  
' and continued. And the said Deans, Prebends, Canons, and all other Per-  
' sons belonging to the said Cathedrals and Colleges, are to be governed and  
' ruled according to the Statutes prescribed unto them.



Sir,

The Statutes are many; I will in brief tell you the Substance of some few of them. The said Deans, Prebends, and Canons, are always to reside and dwell in the Houses of the said Cathedral, and there to keep a Family, good Hospitality, to feed the Poor, and to distribute Alms unto the Needy; to be careful to preach the Word of God, *in Season and out of Season*, and to sow the Seed of the Word of God Abroad, but especially in the said Cathedral Church, and to have Youth profitably taught there. And to the End that they all serve God, as well at Meals as in the Church, they are to have a Common-Table in the Common-Hall of the said Cathedral, where the said Canons, Scholars, Choristers, and Under Officers, are appointed to eat together. And the said Dean and Chapter are to give Yearly 20*l.* to the Poor, besides their own poor Alms-men, and 20*l.* more yearly towards the repairing of Bridges and High-ways thereabouts.

Sir, For the Performances of the said Statutes and Premises, the said Deans, Prebends, Canons, and Ministers of the said Cathedral, do, or ought respectively to take an Oath, and thereby in expresse Words do call God to Witness, and do swear upon the Holy Evangelists, to rule, govern, and behave themselves well and faithfully in the said Church, according to the Will and Statutes of the Founder: And every one of them doth swear, That he will to his utmost Power, well and faithfully keep all and singular the said Ordinances and Statutes, as much as concerns himself; and will procure all others, as much as concerns them, to keep the same inviolably: So help him God, and these holy Gospels of God.

Mr. Hide, You see *wherefore* the Lands were granted unto Deans and Chapters; what their Statutes are, and their Oaths to keep them. It might be thought, that these Men do know a Way, another, or nearer Way to Heaven, than they teach us; or otherwise they would not sit in the Seat of Perjury, as they seem to do, without remorse of Conscience.

For it is notoriously known to the City of *Gloucester*, and County thereabouts, That not one of the said Statutes, before-mention'd, are, or ever were, during my Remembrance, kept, or the Matters contained in any of them, performed, by any of the Deans or Prebends of the said Cathedral. They come, indeed, once a Year to receive the Rents and Profits of the said Lands; but do not distribute to the Poor and Needy their Portion, neglecting altogether the mending of the High-ways and Bridges, and do not keep any Common-Table at all; and instead of preaching the Word of God themselves, *in Season and out of Season*, they are and have been the chief Instruments to hinder the same in others. Infinite are the Pressures that many Cities near unto Deans and Chapters, have endured by them and their Procurement.

And whereas it was objected by another learned Gentleman of the Long Robe, That the Deans and Chapters are a Body Corporate, and that they have as much Right unto their Lay Possessions as any other Body Politick, or any City or Town Corporate; I am of his Opinion, for such Lands and Possessions (if they have any) which they bought themselves in Right of their Corporation, or for such Lands as were given them for their own Use; and I am well contented that such Lands should be left unto them. But their Case is far different in my Opinion; for I have shewed you before, to what godly, pious, and charitable Uses, the said Lands and Possessions were granted unto them: And suitable thereunto, you may call to mind the *Londoners* Case, about *London-Derry*, in the Star-Chamber, where they were fined 70000*l.* to his Majesty; and the same afterwards estreated into his Majesty's Exchequer. But upon the Writ of Extent issuing out thereupon, his Majesty, as I have heard, received not Benefit of any such Lands, whereof the Corporation was Seized for the Maintenance of any Hospitals, Bridges, or other charitable Uses, nor ought to have done, as I conceive.

Seeing therefore the said Deans and Chapters are but Trustees, and the Profits of the said Lands so ill employ'd by them, contrary to the Trust in them reposed, I am clear of Opinion, That by a Legislative Power in Parliament, it is fit to take them away, and to put them into the Hands of Feoffees, to be disposed of to such pious and charitable Uses, as they were first intended.

But it was said by a worthy Knight, That he should be unwilling to take away their Lands and Possessions, until he first knew how they should be disposed of; and how the Persons, who were many Thousands in this Kingdom (as he said)



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that should want Bread, should be provided for. Certainly, Mr. *Hide*, tho' that is not the Work at this time, yet I account it no Difficulty to satisfie that worthy Knight; for I find upon the Survey of the Lands of the said Deanary of *Gloucester*, that it hath above twelve Rectories of good Value, and about thirty Vicarages, Pensions, and Portions of Tythes, which being at the first *Deo Consecrata*, most fit they should be still employ'd for the Maintenance of the Gospel. And therefore, if the Dean and those Prebends, being but Seven in all, to be now taken away, will be preaching Ministers, there is, I hope, sufficient Maintenance for so many of them, as have not too much besides, and yet to reserve as large a Salary, as now is allow'd, for so many Singing-men there in Holy Orders that cannot preach: And then there are left to be provided for, but the Organist, eight Singing-Boys, two School-Masters, four poor Alms-Men, and some under Officers, whose yearly Wages come unto about 100 *l. per Annum*; and the said Dean and Chapter have almost the third Part of the Houses of the City of *Gloucester*, the old Rent of them being yearly about 175 *l.* which will well defray that Charge, with a sufficient Surplusage, for Repairing the High-ways and Bridges, and 20 *l.* a Year to the Poor, as is aforesaid.

But over and besides the said yearly Revenues before-mention'd, the said Dean and Chapter of *Gloucester* (altho' but of the last Foundation, and one of the least in Revenue in this Kingdom, yet) have also eighteen goodly Mannors, and also divers other Lands, Tenements, and Hereditaments, besides the Mannor-Houses and Premises, the old Rent of Assize of one of the said Mannors being 80 *l. per Annum*.

Out of which Mannors and Lands, the said Cathedral being to be made a Parochial Church, 200 *l. per Annum*, or more, may be allowed for a learned preaching Minister there, and 100 *l. per Annum* a-piece, for two such others to assist him, which in few Years, one of the said Mannors will discharge, and also sufficiently repair the said Cathedral Church. And then the rest of the said Mannors and Lands may be employ'd to other godly, pious, or charitable Uses, as the Wisdom of the King and Parliament shall think fit; and suitable to this, but in a more ample Proportion of Maintenance, will be the Allowances of all other Deanries in *England*.

Again, This, I conceive, will answer another Objection, raised by a worthy Knight at the Bar, touching the Poverty of the Clergy of *England*, if this Bill should take Effect; surely my Opinion is quite contrary, and to that Purpose, I call to Mind the Saying of a learned Divine, Chaplain to a Nobleman, upon some Conference with him, of our wish'd Desire to remove scandalous Ministers, and to reduce the Impropropriations of Bishops, Deans, and Chapters, to a preaching Ministry; *If these things, saith he, take Effect, the Universities will not be able to supply the Churches.*

And surely, Sir, if these things take Effect, I am confident we shall be so far from having a poor, beggarly Clergy, as that no Kingdom in the Christian World will have a more rich and flourishing Clergy, both for Nurseries and Encouragement of Learning, and for their Maintenance in more plentiful manner, than it is at this present. Please you therefore to put the Question, I am ready to give my Aid thereunto.

June 16.  
Design to disturb the disbanding of the Army.

The House of Commons having Cause of Jealousie, that there was some Design by a disaffected Party in *Scotland*, to disturb the disbanding of the Scots Army, took into Consideration a Paper sent from *Scotland*, intituled, *Instructions given by the Earl of Montross to the Lord Napier, and to the Lords of Ker, &c.* The Contents of which obscure Paper, were this Day read, and was to this Effect, *viz.*

Concerning  
Montross and  
the Design in  
*Scotland*.

(1.) to give Advice above, how necessary it is that *R.* do come to the Plantation [*viz.* Parliament.] (2.) That *H.* [that is, Offices of State] be kept till it be seen who serves him best. (3.) That *H.* [Offices of State] be not bestowed by the Advice of the Elephant [that is, *Hamilton*, for fear he crush the *R.* to assure *R.* that *R.* and *L.* [that is, Religion and Liberty] being granted, he will be powerful to crush the Elephant; not



to let R. drink Water, except he promise not to cast it up again: That R. be present in Person in the Proclamation [that is, the Parliament] to countenance his own Security.

Four Propositions more of Consequence did accompany these dark Memorials, which being mislaid, cannot now be mentioned.

Upon the Debate of this Paper of the Earl of *Montrose's*; it was

*Resolved*, That both Houses be humble Suitors to his Majesty, That the Armies may be disbanded before the King's going into the North [his Majesty preparing for a Progress into *Scotland*.] That all Parts of the Kingdom be put into a Posture of Defence against all Opposition whatsoever: That all Counties, especially the Northern, should be well stored with Ammunition and Arms; and that the Train'd-Bands be exercised: That an especial Eye may be had over all Counties, where the Papists are most resident: And, That all publick Bills, for the Peoples Satisfaction, may be expedited while the King is among us.

That Care may be taken of her Majesty's Safety, and the Safety of the King's Children; and that some Person of Credit, Quality, and Trust, may be thought of, to be always near the Queen, in the time of the King's Absence.

*Resolved*, That this House doth approve of the Lord General's going down to the disbanding of the Army.

Col. *Goring* this Day made a Declaration of all he knew in the Business concerning the uniting of the Forces of the Army, and putting it into a Posture, and some other Circumstances depending upon that Business.

A Report made this Day to the House of Commons, from the Committee appointed to examine the Plot.

*Of the Examinations of several Gentlemen concerned in the late intended Conspiracy against the State, whereof these following are the Minutes.*

**T**HAT the Conspirators in the new Treason, had a threefold Design:

First, Concerning the *Tower of London*.

Secondly, The *French* Army to have *Portsmouth* delivered into their Hands.

Thirdly, A Design against the Parliament, by working the Army against it.

Captain *Billingsley's* Examination was read in the House, confessing, That Sir *John Suckling* invited him to the Employment.

Next Mr. *Nutt's* Examination was read, whereby it appeared the Earl of *Strafford's* Escape was projected.

The before-recited Examination of the Lieutenant of the *Tower* was likewise read; which plainly shewed, That the Earl of *Strafford* endeavoured an Escape, promising him 20000*l.* and to advance his Son in Marriage, to one of the richest Matches in the Kingdom.

As concerning the Army to be engaged against the Parliament, Lieut. Colonel *Ballard's* Examination was read; whereby it appeared, that Capt. *Chidley* brought down to the Army many Propositions; some of which were, That Colonel *Goring* should be Lieut. General of the Army, and that the Prince, and the Earl of *Newcastle* would be in *Nottinghamshire* with a Thousand Horse ready to join with the Army.

16 Car.

That the Armies may be disbanded before the King go into the North. That England be put into a Posture of Defence.

The Queen and King's Children to be taken care of.

Lord General (the Earl of Holland) to go down to disband the Army.

The Minutes of Examinations taken concerning the Plot, June 16.

That



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Widdrington  
and Herbert  
discharged  
from the  
Tower.June 17.  
A Clause put  
to the Petiti-  
on of Right.Pullersdown  
of Rails in  
the Church  
of St. Savi-  
our's South-  
wark sen-  
tenc'd.June 18.  
Poll-Money.Queen-Mo-  
ther.Sat. June 19.  
Conference.

Sir W. Savyl.

Incendiaries.

Pluralities  
and Non-Re-  
dents.Scots Money,  
when to be  
paid.Mund. June 21.  
Licensing of  
Books.

That *Willis* upon his Examination declared, That the *French* were to assist them; and that the Clergy would, at their own Charge, send 2000 Horse to the Aid of the Army; and that the Prince would come down to the Army.

The Examination of Colonel *Goring* was read also in the House, which is omitted here, because it is mentioned before in the Month of *May* last.

This Day also Sir *William Widdrington*, and Mr. *Herbert Price*, upon Submission, were discharged from the *Tower*, and received into the House.

A Committee appointed to consider of that Clause concerning Tonnage and Poundage, added to the *Petition of Right*, and how the same came in; and to consider of some Remedy to prevent the Inconveniences that may happen to Posterity thereby.

The Lords this Day proceeding upon the Complaint late made unto them, for the Minister, and several Inhabitants of *St. Saviour's Southwark*, sentenced Two of the riotous Delinquents, fining them Twenty Pound a-piece, to stand Two several Market-Days in the Pillory, and Imprisonment during Pleasure; and Two others they referred to the Quarter-Sessions, to be there indicted and prosecuted according to Law.

There went forth this Day Four Cart-Loads of Money towards the *English* Army, containing 32000 *l.* and more was ordered suddenly to follow.

A Committee appointed to draw a Bill for Poll-money, according to the several Votes this Day pass'd, touching the several Degrees, and how much each should pay, viz. Every Duke to pay 100 *l.* A Marquis 80 *l.* Earl 60 *l.* Viscount 50 *l.* Lord 40 *l.* Baronet 30 *l.* Knight 20 *l.* Esquire 10 *l.* and so on to inferiour Ranks.

This Day Order was given for the making ready against *Monday*, the King and Queen's Barges, for the Conveyance of the Queen-Mother and her Train, to *Gravesend*, being bound (as was said) for *Italy*, her Native Country. But (for want of Money) she did not go for some time after.

The Lords sent a Message to the Commons to desire a Conference in the Afternoon, about disbanding of the Armies.

In the House of Commons Sir *William Savyl's* Petition was read, for his releasing out of the *Tower* (whither he had been committed some time before, for disclosing and informing certain Words spoken in the House, by certain Members in a former Parliament; by Occasion whereof after the said Parliament dissolv'd, they were imprisoned.) The House was divided upon it; but by the Majority, carried for his Continuance in Custody.

The House was also again divided upon voting that part of the *Scots* Demands, That all Incendiaries should be tried in their own Countries, and carried in the Affirmative.

A Bill read against Pluralities, That whoever had Two Livings, should resign the one before the 21st of *September* next: And such as should be absent from their Living at any time Sixty Days, to lose it.

There was also a great Debate about the Payment of the 300000 *l.* allowed the *Scots*. And at length it was concluded, That they should have 100000 *l.* paid at *Michaelmas* come Twelve-Month, and the other 200000 *l.* at *Midsummer*, Two Years after.

A Committee to prepare a Bill for Licensing of Books that shall be Printed.

Ordered,



Ordered, That until the next Meeting after the *Recess*, there shall be no Proceedings upon any Petitions that concern the Books which were seiz'd upon by the High-Commission.

The House being resolved into a Grand Committee of the whole House, to debate the Bill for abolishing Episcopacy; and Mr. *Hide* being in the Chair, Sir *Edward Deering* delivered the following Speech:

16 Car.

High-Com-  
mission.

Episcopacy.

*Sir Edward Deering's Speech about Church-Government, June 21. 1641.*

Mr. *Hide*,

**Y**OU have here a Bill, but such a one as is like to be short-liv'd, and not to grow into a perfect Act, unless you please to add thereunto some very important, very significant Proviso's; such, wherein we may have, or whereby we may be assured in another Bill, to have a future Government in room of this that goes out. I am confident the Lords will otherwise Debate and Dispute your Bill quite out of Doors.

*Sir*, We are all bound unto the Goodness of his Sacred Majesty (God preserve Him and His for it) none of all our Bills, none of our Petitions (this Parliament) have miscarried in his Royal Hand, but have been all compleated with the Royal Assent.

But the Ambition of some of our Prelates will not let them see how incompatible Two several contradistinguish'd Functions are in one and the same Person: And therefore there is left you neither Root nor Branch of that so good, so necessary a Bill, which lately we did send up, and consequently no Hope of such a Reformation as we all do aim at.

What Spark of Hope can we then have, that this Bill, which strikes at Root and Branch, both of their Seats of Justice there, and of their Episcopal Chairs in the Church, will pass, as it is, and without tender of some other Government in lieu of this, since the Voices are still the same which outed your former Bill?

Truly (I profess) my Hopes are sad in this: never had one Parliament so many great Affairs; never had any Parliament any Affair so great as this, which we call *The Bill of Episcopacy*: Certainly, *Sir*, it is the great Hope, or the exceeding Fear of every Man here, and of all Men abroad.

Many a time, this Parliament, I have heard (and not unjustly) that the Business then in Hand was of as great Consequence as any had been agitated within these Walls. But in truth, *Sir*, to my Apprehension, neither Star-Chamber, nor High-Commission, nor Ship-Money, nor *Strafford's* Death, nor *Canterbury's* Life, are (with me) equivalent to the settling, or unsettling of the whole National Church of this Kingdom.

We cannot answer to God, or Man, if we do not use our best and most vigorous Endeavours for the Peace of the Church we live in. I should think this a happy Day, if we could so temper this Bill, that it might walk fairly on through the House of Lords unto the King. To this end, that we may not lose All, by asking more than All, I will be bold to offer to your Consideration a Provisional Addition or two; such as, I hope, may both satisfy us, and secure our Bill by fit Amendments.

[Here was a little Interruption, and then a long Addition to the Bill, presented in Writing, for putting all Church-Government into the Hands of Commissioners in every Diocese. But *Sir Edward* proceeded:]

*Sir*,

There is now offered unto you a large Addition to your Bill, longer (indeed) by far than the Bill it self; it seems to desire that a proportional Number of Clergy and Laity, may be Commissionated together, for all Ecclesiastical Jurisdiction, until a future Government be resolved on. — I must confess I am not satisfied with this way of Commissioners. It would joy me much, and satisfy me more, if as one Government goes out, I could see another come in, without an *Interregnum* of Commissioners.

We are Resolved, That the present Way of Government is unsufferable; let it go, but let us have another. This I conceive to be feasible, and that in fewer Words than this Additional Increment, now offered to your Bill; which in truth will make me like your Bill the worse.

To



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To this purpose I do lay this Ground: A Church Government we must have; this is (within these Walls for ought I hear) on all Hands agreed upon; and then (by unavoidable necessity) this Government must be distributed into Parts, into certain Limits, Circuits, and Divisions of Places, wherein it is to be exercised.

Unto this being granted, I do subjoyn Three Propositions, and they are these:

*First*, Our present Diocesses are (for the most part) much too large, too vast; I desire therefore, That the Circuit, for future Church-Government may be reduced to the common Boundaries and Limits of our several Shires; the disproportion from thence objected shall be easily answered.

*Secondly*, Next, in every of these Divisions, I desire that some Choice, Able, Grave Divines, (Twelve or more in a Shire) may be by the Parliament appointed, to be in the Nature of an Old Primitive Constant Presbytery among us.

*Thirdly and lastly*, Because all Meetings of many must be disorderly, and the Rule of many cannot be without Confusion, unless there be one to guide and to direct the rest, I shall desire, that in every Shire, over every Presbytery, we may establish one President. A President, I say, more to satisfie others than my self. The Name of Bishop disturbs not me; let him be a Bishop, or an Overseer, or a President, or a Moderator, or a Super-intendent, or a Ruling Elder; call him what you will, so as you provide me one in every Shire, over every Presbytery, to guide and direct the rest.

The different Sense (to be easily observ'd) and, I hope, not past our Strength to be reconciled, in this House, concerning our present Church-Government, is Two-fold: One is for Ruin thereof; the other for Reforming; both are nearer together in Heart, I perswade my self, than we are yet aware of; the nearer the better, and more easie Composure, both of our selves here, and of the Churches Peace throughout the Land abroad. God send that we may find the Way to Peace.

If the right Form of Primitive Episcopacy were truly stated forth unto us, it would (questionless) take and lead our Judgments along therewith.

This Bishop was not so much a Lord, as a Father over his Charge, ruling with Love and tender Bowels: Whosoever did Institute this Episcopacy, sure I am, this Bishop hath, and ever had, a Precedency before, and a Presidency over others of his own Order: He was one Man chosen out among the rest, and by the rest put into a several Degree (not into a distinct Superiour Order) above the rest *εις τὸ Ἐπισκοπεῖν*, *ad Episcopandum*, to oversee the Rest; and this only in Matters Spiritual; nothing at all in Affairs Temporal or Secular Employments.

If this Bishop were not of *Apostolical Institution*, yet it is undeniable that he was of *Apostolical Permission*. For of, and in the Apostolical Times, all Stories, all Fathers, all Ages have agreed, that such Bishops there were. His Rule indeed was with consent of his Senate, his Presbytery: *Direction* was his; *Coercion* was still their own.

He had *πρεσβείαν*, yea and *πρωτοσύνην*, both the first place of Sitting, and the chiefest part of Power: I say the chiefest Part; I do not say the *greatest Part of Power*. The Power, it was more eminent in him, but it was virtually residing and domesticant in the Plurality of his Assessors.

These Assessors were the Presbyters the Elders of the Church, of whom Holy Ignatius (a Father so Primitive, that he was Disciple to St. John the Apostle) and by some, thought to be that very Child (whilst he was a Child) whom our Blessed Saviour took and set before his Disciples, whereof you read in three of the *Evangelists*. This Ignatius, I say, in his Epistle to the *Trallians*, doth call these Elders *συμβέβητες καὶ συνεδρεμίαις τῷ Ἐπισκόπῳ*, *The Counsellors and Co-assessors of the Bishop*.

Here was in this Age (and yet this Father died a Bishop and a Martyr before the last Apostle went to Heaven;) here was a Fellowship, yet such a Fellowship as destroyed not Presidency; and in another Epistle (that to the *Magnesi-ans*) you have such a Presidency, as doth admit also of a Fellowship. The Words are *προκαθεδρίῃ τῷ Ἐπισκόπῳ εἰς τοπὸν Θεοῦ, καὶ τῷ πρεσβυτέρῳ εἰς τοπὸν συνεδρεῖν τῷ Ἀποστόλῳ*, the Bishop being President, (the very Name and Office there) as in the Place of God, and the Presbyters as a Senate of Apostles. I forbear to dilate upon



upon this Episcopacy : But I will be bold, *Ponere ad Oculos*, to set him before your Eyes : I will give him you, even by way of Demonstration.

Mr. Hide, Your self are now in this Great Committee : Mr. Speaker is in the House, the Bishop of our Congregation : You are in Your selves but Fellow-Members of the same House with us, return'd hither (as we also are) to sit on these Benches with us, until by our Election, and by common Suffrage you are Incathedrated : Then you have (and it is fit and necessary that you should have) a Precedency before us, and a Presidency over us ; notwithstanding this, you are not diversify'd into a several distinct Order from us ; (you must not swell with that Conceit ;) you are still the same Member of the same House you were, tho' rais'd to a painful and careful Degree among us, and above us.

This Bishop had (as your self have here) *Potestatem Directivam*, but not *Correctivam*. Correction in our House doth dwell in the general Vote. You know the Power you have is limited and circumscribed by them who gave it : You are no Dictator to prescribe us our Laws, but must gather our Votes ; and then your pronouncing doth fix our (not your own single) Orders. Neither you here, nor Mr. Speaker in the House, can *degrade* any one of us from these Seats, nor can you silence us in the due Liberty of our Speech.

Truly, Sir, as yet advis'd, I do heartily wish, that we had in every Shire of England, a Bishop, such and so regulated for Church-Government, within that Sphere, as Mr. Speaker is bounded in and limited, by the Rules and Cancells of this House. That were indeed a well-tempered and a blessed Reformation ; whereby our Times might be approximant and conformant to the Apostolical and pure Primitive Church : But this, I fear, is *Magis optandum quam sperandum* ; Yet it being the Cause of God, who can then despair ?

This Happiness (I mean living under *Episcopal Presidency*, not under a *Domineering Prelacy* ;) this is too high above our reach ; yet strong Prayers, and hearty Endeavours may pull the Blessing down upon us : In the mean time, Woe is our Churches Portion, for our *Bishop-President* is lost, and grown a Stranger to us ; and in his Room is crept in and stept up a *Lordly Prelate*, made proud with Pomp and Ease ; who neglecting the best part of his Office in God's Vineyard, instead of *supporting the weak*, and *binding up the broken*, forageth the Vines, and drives away other Labourers. The Vines indeed have both Grapes and Leaves, and Religious Acts, both Substance and Circumstance, but the Gardener is much to blame, who gives more Charge to the Workman of the Leaves than of the Fruit.

This rough Enforcement of late, to that which is not the better part, is an Episcopacy that turns all our Melody into a Threnody : This makes many poor, pious Christian Souls, to *sing the Songs of Sion in a strange Land*.

This Bishop will have no Assessors (or if any, so formally admitted, and so awed, as good have none) no Senate, no Consultation, no Presbytery or Common Suffrage but elates himself up into usurped Titles, and incompatible Power, and sublimes it self by assuming a Soleship both in Orders and in Censures. Religion and Reason, and Primitive Example, are allow'd against this Episcopacy. This too elate subliming of one, cannot stand without a too mean Demission, I may say, debasing of many other of the same Order : Nay, this Bishop, not content with Ecclesiastick Pride alone, will swell also with Ambition and Offices Secular.

Truly, Sir, you have done exceeding well to vote away this Bishop : For of this Bishop (and of this alone) I must understand the *Vote* you have passed, until I be better instructed ; for your Vote is against the present Episcopacy ; and for the present, you can hardly find any other Episcopacy but this, an Authority, however by some of them better exercised, yet too solely entrusted to them all.

Away then with this Lordly Domineerer, who plays the Monarch (perhaps the Tyrant) in a Diocese : Of him it is of whom I read, *Episcopalis Dignitas Papalem fastum redolet*. This kind of Episcopacy, it smells rank of the Papacy : Nor shall you ever be able utterly and absolutely to extirpate Popery, unless you root out this *Soleship* of Episcopacy.

16 Car.

To



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To conclude, in short, and plain *English*, I am for abolishing of our present Episcopacy, both Diocesses and Diocesan, as now they are. But I am withal (at the same time) for Restauration of the Pure Primitive Episcopal Presidency. Cut off the usurped Adjuncts of our present Episcopacy, reduce the ancient Episcopacy, such as it was, in *puris spiritualibus*. Both may be done with the same Hand, and I think in a shorter Bill than is offer'd now by way of Addition.

Down then with our *Prelatical Hierarchy*, or Hierarchical Prelacy, (such as now we have) most of it consisting of Temporal Adjuncts only; the *Diana* and the Idol of proud and lazy Church-men! This do, but *ea Lege*, on this Condition, That with the same Hand, in the same Bill, we do gently raise again (even from under the Ruins of that Babel) such an Episcopacy, such a Presidency, as is venerable in its Antiquity and Purity, and most behoveful for the Peace of our Christendom.

This is the way of *Reforming*: And thus by yielding to the present Storm, and throwing that over-board which is adventitious, borrowed and undue: Peace may be brought Home unto our Church again, the best of that Building, and the Truth of ancient Episcopacy may be preserv'd; otherwise we hazard all. This would be glorious for us and for our Religion; and the Glory thereof will be the greater, because it redounds unto the God of Glory.

My Motion is, that those Sheets last presented to you, may be laid by, and that we may proceed to reduce again the old original Episcopacy.

June 22.

*Ordered*, That the Committee appointed to meet with the *Scotch Commissioners*, do receive an Narration of several Passages in *Scotland*, concerning that Kingdom; and to move that the Papers themselves may be delivered.

Designs to  
disturb the  
Peace.

The House finding every Day new Discoveries of Meetings of Papists and others, and of several Plots and Designs to disturb the Peace of this Kingdom, and the Kingdom of *Scotland*, do therefore desire the Lords, That all suspected Persons may be stay'd and examin'd, and all Letters of this Week may be seiz'd upon, and brought to be perused.

Letters to be  
stopt.

The Gentleman-Usher signified to the House, that his Majesty was in the House of Peers, and expected the House, with the Speaker to attend him there; at which time his Majesty pass'd the Bill for Tonnage and Poundage, being presented to him by the Speaker, with this Speech.

*Mr. Speaker's Speech in the Lords House of Parliament, June 22. 1641.*

Mr. Speaker's  
Speech at his  
presenting to  
the King the  
Bill of Ton-  
nage and  
Poundage.  
June 22.

**T**hat Policy is best, most Gracious and Dread Sovereign, which weighs the *Prerogative* of the King, and *Property* of the Subject in the same Scales, and encreases the Plenty of the Crown, and Contentment of the People; the even poising of this Beam, enables both; the one being ordain'd for the Preservation of the other.

This Principle is so rivetted into the Hearts of your Subjects, by the Acts of their Ancestors, and Traditions of their Fore-Fathers, that it hath created a Belief in them, that their Wills are bound to a due Allegiance, and their Fortunes and Estates, as well as their Duty and Subjection, must bend to the Commands of that Sovereign Power, with which God hath invested your *Sacred Majesty*.

Compulsory Obedience, advanced by the transcendent Power of *Prerogative* is too weak to support the Right of Government; it is the *Affections* and *Estates* of your People, tyed with the Threads of Obedience, by the Rules of Law, that fastens *Safety* and Prosperity to the Crown.

The Experiment of *Elder Times*, in the Reign of the most Valiant, Puissant Princes, hath concluded this the Sovereign Preservative against the Diseases of Distraction and Confusion, and makes it manifest to the World, that the *Honour* and Glory of this Throne is to Command the Hearts of Free-Men.



This admitted, the Permission of the least Diminution, or any eclipsed Interposition between the Honour and *Plenty* of the Crown, contracts a *Scorn* upon the Nation. 16 Car.

Several Parliaments in former Times have stamp'd the Character of a *free Gift* upon the Fore-front of this Aid, still offered by the People as a Sacrifice of Thanksgiving to the Crown for the safe Conduct of your *Merchants*, and Provision of the Navy, to strengthen your undoubted Dominion over the *Seas*, which have protected your *Allies*, and is a Terror to your Enemies.

Our Hopes were long since to have settled this for the Measure and Time; and with this, to have presented to your Sacred Majesty the Triumphant Palm of Tranquility in all your Kingdoms: But as a Ship floating upon a rough Sea, we have been cast upon the Rock of Fears and Dangers, and tossed on the Billows of Distraction, and distrust of *Church* and *Commonwealth*, where we yet remain hopeless, ever to pass through that *narrow* Channel, which leads to the Haven of *Peace*, unless we be steadily steered on by the Hand of your Sacred *Wisdom*, *Care* and *Providence*.

In the midst of all these Troubles, and the several Opinions which have been amongst us, no Division had Power to distract any one of us from the Care and Duty we owe to your Sacred Person.

And to that End, I am now sent by the Commons of *England* to present this as a *Mark*, only whereby your Sacred Majesty may view the inward Duties of our Hearts, until *Time* and *Opportunity* will give leave for a farther Expression of our Duties and Affections; the Acceptation of this Gift will glad the Hearts of your People, and the Approbation by the *Royal Assent* of this Bill (being the *largest* for the Measure which was ever given) will joyn Wings to our Desires and Hopes; which shall never return without that *Olive-Leaf*, which may declare, That the *Waters are abated*, and your Sacred Majesty may have full Assurance of the Faith and *Loyalty* of your Subjects.

To which his Majesty made this following Speech.

*The King's Speech at his passing the Bill of Tonnage and Poundage,*  
June 22. 1641.

I Do very willingly accept your Offer made at this Time, as a Testimony of your Love, and beginning of your Dutiful Affections unto me: and I no way doubt but that you will perform that which you have intimated unto me, and that in due time you will perform the rest when you have leisure.

I doubt not likewise but that in passing this *Bill*, you will see a Testimony of the Trust and Confidence I have in your Affections; as also that I omit no occasion whereby I may show that Affection to my People, that I desire my People would show to me, as in this Parliament hitherto no body can say, but that I have sought Occasions, both to show my Affections unto them, and to remove Disputes.

And therefore in this particular *Bill*, I hope you will know that I do freely and frankly give over the *Right* which my Predecessors have ever challeng'd unto them; (though, I confess, *disputed*, but yet they did never yield it in their Times:) Therefore you will understand this, but as a Mark of my Confidence, to put my self wholly upon the Love and Affection of my People for my Subsistence; and therefore I hope that in Prosecution of this, you will go on as you have said: And though you have Rumours of Jealousies and Suspensions, by flying and idle Discourses that have come to my Ears, concerning the *Extraordinary Way*, I confess I never understood it otherwise than as having relation to the *Scottish Army*, and preventing Insurrection, which vanished as soon as they were born.

And therefore now you see my Clearness, I will leave that to you, and will not meddle with it one way or other; for I never had other Design, but to win the Affections of my People by my Justice in my Government.

The House of Commons were busie in debating of the Armies, having received some Complaints of the Unruliness of our Soldiers about Town and elsewhere.



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A Bill read against Scandalous Ministers, That there be a Commission granted to the Justices of Peace in every County, for the Tryal and Punishment of them according to their Deserts.

Upon reading of a Letter from *Scotland* of dangerous Consequence, it was moved,

That there should be Heads drawn up for a Conference to be desired with the Lords, concerning the King's going into *Scotland*, and other Matters.

The House of Commons perceiving the King's Resolution to go into *Scotland*, had a Conference with the Lords, concerning these Particulars following.

*Die Jovis, 24 Junij, 1641.*

*A large Conference with the Lords, concerning several Particulars about disbanding the Army, the Capuchins, &c.*

I. **T**HE *First Head*, concerning the disbanding of the Armies; and under this there are several Particulars.

1. That Five Regiments, according to the former Order of both Houses, be first disbanded.

2. That the Commissioners for *Scotland* be entreated to retire some part of their Army.

3. That their Lordships will join with us in a Petition to his Majesty, to declare his Pleasure concerning the disbanding of the Five Regiments, for which there is present Money provided, and of the rest of the Army, as soon as Money is ready.

4. And to declare, if any be refractory, and contemn his Majesty's Authority, that he will use it for the Punishment of them.

5. And that the Lord-General go down to his Charge of the Army, and begin his Journey on *Saturday* next; and that the Master of the Ordnance go then down also to take care of his Charge of Artillery.

II. The *Second Head* is concerning his Majesty's Journey to *Scotland*.

That his Majesty will be pleased to allow a convenient Time before his Journey into *Scotland*; that both Armies be first disbanded, and some of the Business of Importance, concerning the Peace of the Kingdom depending in Parliament, may be dispatched before his going: This is seconded with divers Reasons.

1. The Safety of his Majesty's Person.

2. Preventing the Jealousies of his Subjects.

3. Suppressing of the Hopes of Persons ill-affected, that may have Designs upon the Army to disturb the Peace of the Kingdom.

4. Great Advantage to the King's Affairs, and Contentment to his People.

5. That some of the Bills now depending in Parliament, whereof divers are sent up already to the Lords, and some proceeding in this House, may receive his Royal Assent before he go to *Scotland*; and that we may have Time to pass the Bill of Tonnage to his Majesty, for supporting of the Royal Estate, and to settle his Majesty's Revenues for the best Advantage of his Service; and for these Reasons to allow some Time before he go into the *North*.

III. The *Third Head*, concerning his Majesty's Council and Ministers of State.

Both



Both Houses to make Suit to his Majesty, to remove from him all such Counsellors as I am commanded to describe; *viz.* such as have been active for the Time past, in furthering those Courses, contrary to Religion, Liberty, Good Government of the Kingdom, and as have lately interested themselves in those Counsels, to stir up Division between him and his People,

2. As we desire removal of those that are Evil, so to take into his Council for managing of the great Affairs of this Kingdom, such Officers and Counsellors as his People and Parliament may have just Cause to confide in. This is all concerning the third Head.

IV. The *Fourth Head*, touching the Queen's most Excellent Majesty, which containeth divers Particulars.

1. That his Majesty be pleased, by Advice of his Parliament, to persuade the Queen to accept some of the Nobility, and others of Trust, into her Majesty's Service, into such Places as are now in her Disposal.

2. That no Jesuit, nor any in Orders, what Countrymen soever, whether *French* or *Italian*, be received into her Majesty's Service; nor any Priests of his Majesty's Dominion, *English*, *Scottish*, or *Irish*; and that they be restrained from coming to the Court.

3. That the College of *Capuchins* at *Somerset-House*, may be dissolved and sent out of the Kingdom. These Two which I last mentioned concerning the Queen, Priests, Jesuits, and *Capuchins*, I am commanded to deliver you some Particulars for.

1. Publick Danger, and Scandal of this Kingdom, and Peace of the Kingdom.

2. The Disaffection of some of those wicked Conspirators, is express'd in two Letters; which Letters were here read openly.

3. A particular Letter of *Father Phillips* here also read.

4. Because of the Priests, Jesuits, and the College, there are divers great Quantities of Gold transported frequently.

5. Particular touching the Queen, is upon special Occasions of his Majesty's Absence, That their Lordships will be pleased to join with us to advise the King, That some of the Nobility, and others of Quality, with competent Guards, may be appointed to attend the Queen's Person, against all Designs of Papists, and of ill-affected Persons, and of restraining Resort thither in his Absence.

V. The *Fifth Head* concerns the King's Children, That some Persons of Publick Trust, and well-affected in Religion, may be placed about the Prince, who may take care of his Education, and of the rest of his Children, especially in Matters of Religion and Liberty.

VI. The *Sixth Head* concerneth such as shall come into the Kingdom, with Titles of being the Pope's *Nuncio*, That it may be declared, that if any Man come into this Kingdom with Instructions from the Pope of *Rome*, it be a Case of High-Treason; and that he be out of the King's Protection, and out of the Protection of the Law. And I am to inform your Lordships, That there is Notice given upon very good Grounds, that Count *Rosetti* doth yet continue in the Kingdom, and yet resorts unto the Court.

VII. The *Seventh Head* is concerning the Security and Peace of the Kingdom.

1. That there may be good Lord-Lieutenants, and Deputy-Lieutenants, and such as may be faithful and trusty, and careful of the Peace of the Kingdom.



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2. That the Train'd-Bands be furnish'd with Arms, and Powder, and Bullets, and exercis'd, and made fit for Service; and that a special Oath may be prepared, by Consent of both Houses, authoris'd by Law; and to be taken by the Lord-Lieutenants, and Deputy-Lieutenants, Captains, and other Officers, such an Oath as may be fit to secure us in these Times of Danger.

3. That the Cinque-Ports, and all the Ports of the Kingdom may be put into good Hands; and a List of those in whose Charge they now are, may be presented in Parliament, and special Care taken for the Reparation and Provision of those Forts.

4. That my Lord Admiral may inform the Parliament in what Case his Majesty's Navy is, which is to be provided for out of Tonnage and Poundage, for the Security and Peace of the Kingdom.

VIII. The *Eighth Head*, That his Majesty be pleas'd to give Directions to his Learned Council to prepare a general Pardon in such a large manner, as may be for the Relief of his Majesty's Subjects.

IX. The *Ninth Head* doth concern a Committee of both Houses, That their Lordships would appoint a Number of their Members to join together, with a proportionable Number of this House, who from Time to Time may confer upon some particular Causes, as shall be most effectual for the common Good.

X. The *Tenth* and last Head, That his Majesty be mov'd that he would be pleas'd to be very sparing in sending for *Papists* to Court; and that if any should come without being sent for, that the Laws be severely put in Execution against them: And that the *English* Ladies that are Recusants, be removed from Court; and that his Majesty be mov'd to give his Assent, that the Persons of the most active Papists, either *Lords* or *Commons*, may be so restrained, as may be most necessary for the Safety of the Kingdom; and that no Pensions be allowed to such *Recusants* as are held dangerous to the State.

Father *Phillips* sent for.

The intercepted Letter of Father *Phillips*, mentioned in this Conference, we have recited before in the Month of *May*; but being remembred again upon this Occasion, occasioned the House to Order, That *Robert Phillips* (one of the Queen's Priests, whom they suspect to be the Writer of this and another dangerous Letter) should be sent for to attend the Committee in the Afternoon.

Refuses to come.

The Messenger coming to *White-Hall*, and finding him, acquainted him therewith; who said he would go in and eat something, and come presently and go with him. But by a back Door he went, and acquainted the *Queen* with his being sent for; and after some stay, came and told the Officer, That he had been with the Queen, who had commanded him *That he should not go till she had spoke with the King*; and that he would obey her Commands before those of the House of Commons. Of which, Information being given to the House, they sent a Warrant to apprehend him, and bring him forthwith as a Delinquent.

Warrant against the Pope's Nuncio.

There was also a Warrant sent by the Sergeant-at-Arms for Count *Rosetti*, the Pope's Nuncio; and to bring him likewise before the House; but he absconded, and could not be found.

June 25.  
The King consents to disband Forces.

The Committee reported, That his Majesty consents to the disbanding of the Five Regiments.

That the *Scots* may also retire in some Proportion, wishing that Care be taken of the Honour and Safety of the Kingdom in the disbanding. And also they add, That within a Day or two the Treaty will be concluded.

The



The Commissioners Names for the County of *Northumberland*, to perfect the Accompts for Billeting and other Business concerning the Scots Army, are entred at large in the Journal.

The Lords let the House of Commons know, That his Majesty had received Advertisement from the *Venetian* Ambassador, that *Rosetti* did intend to be gone out of this Kingdom within two or three Days, waiting only for a safe Passage.

The Serjeant-at-Arms waiting with his Warrant at *White-Hall*, to apprehend *Phillips* the Priest, the Lord Chamberlain sent for him, and examined him by what Authority he came within the Verge of the Court to attach any one? Who shewing his Warrant, his Lordship desired he would trust him with it to shew the King; which the Officer did: And the Lord Chamberlain soon after returning, gave this Answer: That his Majesty would satisfy the House about it, if *Phillips* did not appear.

In the Afternoon, the said *Phillips* did voluntarily appear, and was called to the Bar; where having kneeled for some Time, he was commanded to stand up, and endeavoured to excuse his not coming at first, because the Warrant was for *Francis Phillips*, and his Name was *Robert*; besides, the Queen wished him to stay 'till she had acquainted his Majesty, &c. yet understanding this Day, that the Honourable House was offended, he came of his own accord.

Being examined, he confessed the first long Letter shewed him, to be his own Hand-writing, but denied any Knowledge of the other Letter: And was ordered further to attend the Committee.

And some Time after, the following Articles of Impeachment were exhibited against him.

### *The Impeachment of Father Phillips.*

I. **T**HAT the said Father *Phillips* hath been observed to be a great Cause, both in himself and his Adherents, of a great part of the Unquietness of this State.

II. He, with *Parsons*, and others their Assistants, were the only Cause that the Pope was stirred up to send Breves to these Kingdoms of *England* and *Scotland*, to hinder the Oath of Allegiance, and lawful Obedience of the Subjects to our gracious King, that so they may still fish in troubled Waters.

III. The damnable Doctrine which he and the other Jesuites have taught, to destroy and depose Kings, hath been the Cause of the Civil Wars like to befall these Kingdoms, if God in his Mercy do not prevent it.

IV. They have been the Cause of the Monopolies projected in this Kingdom, especially concerning *Soap*, the *Forest of Dean*, and Marking of *Butter Casks*, where all the Parties were Partners and Confederates with them; as, *Sir Basil Brook*, *Sir John Winter*, and a Brother-in-Law of the said *Sir John*, that lived in *Worcestershire*, and *Mr. Ploydon*, whose Servant, named *Baldwin*, hath been seen to deliver to Captain *Read*, a Substitute of the Jesuites, an Hundred Pounds at a time to one Jesuit.

V. Father *Phillips* hath been a great Actor with the Superior of the *Capuchins*, who is of a most turbulent Spirit, and was sent thither by Cardinal *Richlieu* of *France*, to be a Spy at this Court for the *French* Faction; and

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*Rosetti* the  
Pope's Nun-  
cio sent a-  
way.

Father *Phil-  
lips*.

He appears.



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and hath therefore laboured by all Means to breed Dissentions; for the *French* aim at nothing more, than to make a Schism betwixt the *English* and the *Scots*, that this State might so be weakened, and made unable to withstand them, that so they might have an Opportunity to conquer these Kingdoms. These unquiet Spirits having Access to her Majesty, may importune Things not fit for the State.

VI. The said Father *Phillips* hath been guided by a Grey-Friar, who, by Degrees hath intruded himself to be a Clerk of her Majesty's Chappel, and Chaplain Extraordinary in Time of Progress; who when he is out of *London*, goeth by the Name of Mr. *Wilson*, but his true Name is *William Thomson*, Doctor of Divinity, as some Jesuites have affirmed; but a most furious Spirit, and unquiet, and therefore by Nick-name is by some called *Cacafugo*; that is as much as if in *English* you should say, *Shit-fire*; by whom Father *Phillips* hath been so led, that he hath been very officious to perform whatsoever he would have done. These two have ruled all the Business concerning the two Kingdoms on the Papists Parts, and for the most part of *Rome* also.

VII. The said Father *Phillips* hath placed many unfit Persons about her Majesty, viz. Sir *John Winter*, to be her Majesty's Secretary, Seignior *Georgio*, come late Agent from the Pope, his Brother, was by his means admitted to be Servant Extraordinary to the Queen, a Man altogether unfit for that Place, a most scandalous Person, having three Wives, all now alive.

VIII. Sundry Persons, by the said Father *Phillips*, have been admitted to be the Queen's Servants Extraordinary, by some supposed Office or other, as Mr. *Laburn*, *George Gage*, Brother to Colonel *Gage*, both Oratorian Priests; the one of the *French* Faction, very seditious, the other of the *Spanish*, whose Brother is now left Resident at *Rome* for them, by his Master, Mr. *William Hamilton*, late Agent at *Rome*; *Pendrick* is sworn Servant Extraordinary to her Majesty, who is a sworn *Spaniard* and Intelligencer for *Rome*, in respect his Brother is Agent here by Father *Phillips*: These, and many others, who are factious and turbulent Spirits, have, by Father *Phillips* his Means, received Protection from the Queen's Majesty.

IX. The said *Phillips* hath been much ruled by Sir *Toby Mathews*, Sir *John Winter*, and Mr. *Walter Montague*.

X. He was very forward, with his Complices, for the breaking of the Ice to begin the Treaty here for the Pope's Honour's sake: And when Sir *Robert Douglas*, and Seignior *Georgio* were nominated, whom he thought most fit; Cardinal *Richlieu* was thought fittest to be the Man who should direct him to begin the Correspondency between the Pope and the Queen; and therefore he was sent into *France* with many Letters, and from thence he was dispatched for *Rome*, by the Cardinal, where he was received with great Respect; and after a *Viatick*, he was dispatched again for *England*, with some few small Gifts, as Pictures, Crosses, *Agnus Dei's*, and such-like Popish Stuff, for Father *Phillips*.

XI. The said Father *Phillips* was the chief Agent in Correspondency with, and bringing in of Seignior *Georgio Parsons*, the Oratorian Priest, by whose Direction, this Priest being at *Paris*, left wearing of Priests Cloaths, and went in the Habit of a Gentleman; and because he had a shaven Crown, therefore he wore a Perriwig: And Father *Phillips* directed all those that he sent, to write to him as to an *Italian* Gentleman, desirous to see these Kingdoms: And by Father *Phillips*'s Direction, he afterwards came hither, who did here contrive, for the Space of two Years practising great and dangerous Innovations from Place to Place; and then



having dispatched his Business, returns to *Rome* with great Presents from the Catholicks of the greater sort.

XII. Whereas it hath pleased God to bless us with a hopeful Prince, to the Comfort of our King and Kingdom, yet the said Father *Phillips* hath attempted to traduce his tender Years to *Popery*; but God hath prevented him his Purpose: And let us pray to God to preserve that Royal Race from *Popery*, and the whole Land from all Innovations, that our gracious King may rule gloriously, and the whole Land live in Peace, to the Honour of God, and Comfort of us all. *Amen.*

*Ordered*, That it be referred to the Committee for the Popish Hierarchy, to enquire what Pensions are allowed to *Phillips* and others, for the seducing of the Children of Protestants from the true Religion to *Popery*; and what Pensions are allowed to Seminaries beyond the Seas, and of Priests within the Kingdom.

*Ordered*, That his Majesty be humbly moved to give his gracious Answer to the Propositions concerning his Majesty's Journey into *Scotland*.

The *Scots* Commissioners acquaint the House, That they having heard as if the Parliament would endeavour to dissuade his Majesty from his Royal Intentions of going into *Scotland*; they found themselves obliged to acquaint the House, That the same would be a great Prejudice to them, for that they had sent Proclamation through the Kingdom for his Entertainment, desiring the House would take it into Consideration; nevertheless they desired not that he should go 'till Things were settled here, so that it might not be prejudicial unto them, by causing some Jealousies amongst the People there.

Sir *William Savill*, upon his repeated Petition and Submission, was released from the *Tower*.

*Resolved*, That this House holds it fit to move the Lords to join with this House, in Petitioning his Majesty, that he would be pleased not to begin his Journey into *Scotland* 'till the 12th of *August*.

The House of Lords fell upon the *Scottish* Affairs, for the speedy disbanding of five Regiments of the *Scots*, with the five *English* Regiments. After that, they took up the Debate of the two Bills against the Star-Chamber and High-Commission; and returned the said Bills to the Commons, with some Amendments; which being again read in the House of Commons, they voted, That from the first Day of *August* next, the said Court of High Commission and Star-Chamber shall both cease; and that no Ecclesiastical Court should hereafter administer unto any the Oath *ex Officio*, or any other Church-Wardens at their Entrance.

This Morning was a Conference betwixt both Houses; at which the Lords shewed, That the *Scots* Commissioners desired his Majesty might set forwards towards *Scotland* the 5th of *August*; and after some Conference with the said Commissioners, it was agreed, That his Majesty should be humbly desired not to go 'till the 10th of *August*; and that in the meantime both Armies should be disbanded; and some Bills passed which are now in Hand.

The Commons proceeded about the *Council-Table*, and the altering of a Clause in that Bill; concluding, That the same should not intermeddle with Men's Estates, nor try Causes determinable by Law, but only such Matters as should be warranted by the Statutes of this Kingdom for that purpose. They also had some Debate about the *Star-Chamber* Bill.

16 Car.

Saturday, June 26.  
Pensions to Priests and Seminaries.

His Majesty's Answer desired.

Scots Commissioners.

Monday, June 28.  
Sir W. Savill discharged.  
Petition to stay his Majesty's Journey.  
Lords House.  
High Commission, Star-Chamber, and Privy Council.

June 29.  
His Majesty not to go to Scotland till Aug. 10.

Council-Board.



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June 30.  
Capt. Pollard  
bailed.

A Conference, whether the Lords might rate themselves in the Poll Bill.

Thursday, July 1.

A Conference about the Star-Chamber and High-Commission Court.

The Court for the Marches of Wales.

July 2.  
Debate about the Method of prosecuting the Judges.

A Petition was read in the House of Commons from Captain *Pollard*, one of the Conspirators in Custody, for tampering with the Army, desiring that he might have Liberty to go into the Country under Bail, to see his Father, to make his Peace with him, being sick with Grief, that his Son should have any Hand in such a Business, and threatens to disinherit him: Upon which, the Earl of *Essex* and another Lord proffering to be his Bail, it was accepted; and he had Leave accordingly.

The Lords reading the Bill for Poll-Money, some Dissatisfaction arose in their House about the Inequality of that Tax; and the Bishops pleaded Inability to pay their First Fruits, Tenths, and Subsidies, and that too: Whereupon a Conference was desired with the Commons; at which, the Lords delivered the Bill back, to have some Alterations therein, desiring they might rate themselves, and the Commons themselves: But this was refused, as being contrary to the Rule and Practice of Parliaments.

The Lords and Commons had a Conference about two Bills remaining in the Lords House: The one for taking away the Court of High-Commission; and the other, to take away the Court of Star-Chamber, and to regulate the Council-Table.

The Lords upon the Reasons offered by the Commons, were satisfied to consent to pass the Bill to take away the High-Commission Court, both here and at *York*; but argued to have the Star-Chamber Court not quite taken away, but bounded, limited, and reduced to what Power it had in *Henry VII's* Time.

The Commons had under Consideration the taking away of the Court of the *Marches of Wales*, as being a great Grievance to the People in these Parts.

The Commons entred upon the Debate concerning the Judges, as to the Way of Trying them; some were for having them tried upon Impeachment before the Lords; others would have them proceeded against by Bill, and the House ordered a Bill to be drawn accordingly; but it was declared in the House, That what Way soever they were proceeded against, the Commons might be present at the passing of Sentence against them.

A Conference being this Day held by a Committee of both Houses in the Painted-Chamber, touching the Poll Bill, and whether the Commons had a Right to set the Proportions or Rates therein upon the Peers, Sir *Simon d'Ewes* spoke as followeth upon that Subject.

*Sir Simon d'Ewes his Speech concerning the Assessing of the Peers in the Poll Bill.*

My Lords,

I Shall humbly crave Liberty to shew you, That the House of Commons hath done no more in rating and proportioning of these particular Sums upon your Lordships, than by the ancient Rights and Privileges of Parliament they might; and to speak the Truth, they could in Possibility do no less.

It hath been several Times spoken in this Place, no less Justly than Nobly, by some of your Lordships, That all Matters of Supply should originally proceed from the House of Commons; for so hath been the Practice of former Times in the Ages past.

In the Parliament Roll, *de Anno 9. H. 4. Numero 21.* when the Peers began but in a small Circumstance to intrench upon this Privilege of the Commons, there arose a long and an earnest Debate upon it; the Issue of which, produced a full

Declara-



Declaration, agreed upon by both Houses, That matter of Supply must first proceed from the Grant of the Commons, and then be assented unto by the Lords, so as if we had sent up the present Bill, either with Blanks for your Lordships to have filled them up, or have left you out wholly, to have inserted your own Degrees and Proportions; (one of which we must have done, if we had not proceeded as we did) it must of necessity have follow'd, That your Lordships, contrary to the undoubted Privilege of the same House, had originally granted Aid and Subsidy, and the Commons had but assented.

Before that time, though not upon so great an occasion, it was declared in Parliament, as appears in *Rotulo Parliamenti de Anno 5. R. 2. n. 16.* that the House of Commons are first to treat of Matter of Supply, to resolve upon it, and then to communicate their Resolutions to the Peers. Now, my Lords, our Resolutions are most properly couched in a Bill, so as we did transmit the present grant of Aid and Supply to your Lordships; in the ancient and due form.

But perhaps your Lordships will say, you question not that general Right we have of granting Subsidies, that it is to receive its Birth and Being from the House of Commons; but that in this particular case of Poll-Money, you expect a particular Satisfaction, and much more to see it proved, That the Peerage of England were ever before rated in such a Bill.

For the first, my Lords, this way is an ancient and a known way; it began in the time of the Wise and Victorious Prince, King Edward III. as appears upon Record in *Rotulo Parliamenti, de Anno 51. Ed. 3. numero 19.* And I assure my self, near upon three hundred Years continuance, is able to challenge both Allowance and Imitation from this present Age. During the Reign of R. 2. his Grandchild, this course of raising Money by the Poll, was again put in practice as an advantageous and a speedy way, your Lordships shall find one Example of it in the Parliament Roll, *de Anno 4. Rich. 2. n. 15.* being almost the same with that Rate and Proportion granted in the time of Edward III.

But that Record which comes home to this Case, and is an identical Precedent in the very particular before your Lordships, to give you full Satisfaction, is found in *Rotulo Parliamenti in Parlamento 2.* (the Miseries at Home, and the Calamities Abroad, causing in one Year sometimes two, sometimes three Parliaments in those elder Times) *de An. 2. Rich. 2. n. 14.* where the Dukes, Earls, and Barons are all particularly rated; and the Duke of Bretagne is there assessed as a Duke, though he were a free Prince, and had only the Title of Earl of Richmond in England. Nay, my Lords, the House of Commons at this time hath come far short of the same Precedent, in favour of the noble Ladies; for whereas the Countesses-Dowagers were there rated at the same Proportions with Earls, and the Widows of Barons, at as high a rate as the Barons themselves, we have now eased them of two parts of that, and only charged them with the third.

I hope now your Lordships have seen both Reason and Precedent for our Proceedings at this time; you will be pleased to believe, That the House of Commons will be as careful and tender of your Lordships Rights and Privileges, as of their own.

We know, my Lords, that this is the way to preserve Peace and Unity between us; which as it is always expedient, so it is at this time most necessary; for the two Houses are as the two Arms of the Kingdom; if we hold fast together, we shall be able to do great things, worthy to be transmitted to after-Ages; but if we disserve and disunite, we may end in Ruine and Calamity.

So much of the Record referr'd unto in this Speech, as concerns the rating of the Nobility and Gentry, is here added, it being presented thus ready written at the same Conference.



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*An Ancient Record read in Parliament, touching Sessing the Peers by the Commons, July 2.*

Rot. Parliam. in Parlamento 2. de Ann. 2 Rich. 2.  
N. 14.

**L**E Duc de Lancastre, & le Duc de Bretagne, chescun a X Marks  
Chescun Conte D' Engleterre iiij l. Chescun Countesse Veoves en Engle.  
terre atant come les Countes iiij l. Chescun Baron & Baneret ou Chevalier  
qui puet atant dispendre xl s. Chescun Baronesse Veove Paiera come Baron,  
& Banresse come le Baneret xl s. Chescun Bachiler & chescun Esquier qui  
per le Statute deveroit estre Chevalier xx s. Chescun veove Dame feme de  
Bachiler ou Esquier al afferent xx s. Chescun Esquier de meindre Estate vi s.  
viij d. Chescun feme veove de tiel Esquier, ou Merchant suffisant vi s.  
viij d. Chescun Esquier nient possession de Terres ne Chetaux quest en ser-  
vice ou ad este Armes iiij s. iiij d.

The King  
comes to the  
Lords House  
to pass Bills.

The King being moved by both Houses to give his Royal Assent to the Poll-Bill, and the other forementioned Bills concerning the Star-Chamber, High-Commission Court, and Council-Table, his Majesty came this Day to the House of Lords, and the Commons came up with the Poll-Bill, the other two Bills lying ready in the House of Peers to pass also. The Speaker at the same time presented the Poll-Bill to his Majesty, and made this ensuing Speech.

*Mr. Speaker's Speech at the passing of the Poll-Bill, July 3.*

**T**HE Government of this Commonwealth rests in the Rules of Order, and hath so much Affinity and Consent with the Rules of Nature in the Government of the World, that the first Copy and Imitation of the one may seem to be taken from the Original and first Model of the other.

This Contemplation (most Excellent and Gracious Sovereign) casts our Eyes upon your sacred Majesty, as that Celestial Orb, which never resting without the Office of perpetual Motion to cherish the lower Bodies, not enriching it self with any Treasures drawn from below, exhales in Vapours from the inferior Elements, what in due Season it returns in Showers.

The Application makes us consider our selves those Sublunary Creatures, which having their Essence and Being from the Influence of those Beams (as the Flowers of the Field) open to receive the Glory of the Sun.

In this Relation both contribute to the common Good: Your Sacred Majesty, as a nursing Father, designed to bestow on your People, the Blessings of Peace and Unity; and we, as the Children of Obedience, return our Duties and Affections in Aids and Tributes, and this Kingdom compacted in one Body, by the Ligaments of Religion and Laws, hath been the Object of Admiration to the whole World.

Amidst the Distractions of Foreign Nations, we only have sat under the shadow of our Vines, and drank the Wines of our own Vintage.

But your crafty Adversaries, perceiving that the stedfast Profession of our own Religion, and the firm Observation of our Laws, have been the Pillars of our Prosperity, by subtle Insinuation, pretending a politick Necessity to admit of a Moderation in our Religion to comply with Foreign Princes, and suggesting it a Principle in the Rules of Sovereignty, to require and take, not ask and have, that it must *postulare* by Power, not *petere* by Laws, have brought these Miseries of War and Calamity between Nation and Nation, and put us in the Posture of Gaze to the whole World.

But



But when we behold your Sacred Majesty, descended from the Royal Loins of that Glorious King, which by his Wisdom and Policy, first ingrafted the White Rose and the Red upon the same Stock, and sheathed the Sword that pierced the Bowels of so many of the Nobility, and was glutted with the Blood of the People; and then laid the first Hopes of the happy Union between the Nations.

When our Thoughts refresh themselves with the happy Memory of that Religious King, your Gracious Father, on whose Sacred Temples both Diadems were placed, wreathed about with this Motto, *Faciam eos in gentem Unam*: We cannot but believe that God and Nature (by a Lineal Succession from those Fathers of Peace) hath ordained you that *Lapis Angularis*, upon which the whole Frame settles, and hath put into the Hands of your Sacred Majesty the Possibility and Power to firm and stablish this happy Union between your Kingdoms, and so to raise to your Memory a Statue of Glory and Wisdom, from Generation to Generation.

In all this length of Time, the Assurance of this Union and Peace hath been the chief Object of our Desires; and our Purfes have been as open as our Hearts; both contributing to this great Work, manifested by so many Subsidies already presented, sufficient in our first Hopes for the full Perfection.

But finding that fail, we have again adventured upon your Peoples Property, and in an old and absolete way, new burnisht by the Hand of instant Necessity, expressed to the World, the Hearts of a Loyal People; and howsoever gilded with a new Name of Tranquility and Peace to your Kingdoms, that with more Ease the People may digest the Bitterness of this Pill, yet our Hearts had the same Aim and Object.

A Gift suitable to the Necessity of so vast Extent, that Time cannot parallel it by any Example.

And by which, if your Sacred Majesty vouchsafe your Royal Assent, which we humbly pray, we shall not doubt you may soon accomplish those happy Effects, that may present your Wisdom the Object of Wonder, and your Policy to be admired amongst the Nations.

The King at this Time only passed the Poll-Bill.

The House of Commons, after their return to the House, were much dissatisfied that his Majesty did not pass the said Two Bills to take away the Star-Chamber, and High-Commission Courts; and upon the Fifth of July entred into Debate of the same, but were interrupted therein by the Usher of the *Black-Rod*, who came and told the House, that the King expected them, being come to give his Royal Assent to the said Two Bills. At which Time his Majesty made this following Speech.

*His Majesty's Speech at the passing the Two said Bills, July 5.*

I Am come to do the Office which I did defer on *Saturday* last, to give Determination to these two Bills; but before I do it, I must tell you, that I cannot but be very sensible of those Reports of Discontent, that I hear some have taken for my not giving my Consent on *Saturday*. Methinks it seems strange that any one should think I could pass two Bills of that Importance as these were, without taking some fit Time to consider of them; for it is no less than to alter, in a great Measure, those Fundamental Laws, Ecclesiastical and Civil, which many of my Predecessors have established, &c.

If you consider what I have done this Parliament, Discontent will not sit in your Hearts; for I hope you remember that I have granted, That the Judges hereafter shall hold their Places *Quam Diu bene gesserint*. I have bounded the Forests, not according to my Right, but according to late Customs.

I have established the Property of the Subjects; as Witness the free giving, not taking away of Ship-Money.

I have established, by Act of Parliament, the Property of the Subject in Tonnage and Poundage, which never was done in any of my Predecessors Times; I have granted a Law for a Triennial Parliament, and given way to an Act for the securing of Monies advanced for the disbanding of the Armies: I have



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given free Course of Justice against Delinquents : I have put the Laws in Execution against Papists.

Nay, I have given way to every thing that you have asked of me ; and therefore, methinks, you should not wonder if in some Things I begin to refuse ; but I hope it shall not hinder your Progress in your great Affairs, and I will not stick upon trivial Matters to give you Content. I hope you are sensible of these beneficial Favours bestowed on you at this Time.

To conclude, You know by your Consent there is a prefixed Time set for my going into *Scotland*, and there is an absolute Necessity for it. I do not know but that Things may so fall out that it may be shortned ; therefore I hope you will hasten the dispatching of those great Businesses that now are necessary to be done, and leave trivial and superficial Matters to another Meeting.

For my Part, I shall omit nothing that may give you just Contentment, and study nothing more than your Happiness ; and therefore I hope you shall see a very good Testimony of it, by passing these two Bills.

#### LE ROY LE VEULT.

This being done, his Majesty said as followeth.

I have one Word more to speak unto you, and take now an Occasion to present that unto both Houses, whereby, I hope, all the World shall see, that there is a good Understanding between Me and my People.

It is concerning my Nephew, the Prince *Electoral Palatine* ; who having desired me and the King of *Denmark* to give Consent to a Writing concerning the Dyet at *Ratisbone*, with the Emperor, I could not but send my Ambassador to assist him ; though I am afraid I shall not have so good an Answer as I expect : which my Nephew foreseeing, hath desired me, for the better countenancing of the same, to make a *Manifest* in my Name ; which is a thing of great Consequence : And if I should do it alone, without the Advice of my Parliament, it would rather be a Scorn than otherwise. Therefore I do propose it unto you, that if you will advise me to it, I do think it were fit to be published in my Name.

The said *Manifesto*, and the Debates and Resolution that pass'd thereupon in Parliament, were as follow :

#### His Majesty's Manifest.

**C**HARLES, by the Grace of God, King of *Great-Britain, France* and *Ireland*, Defender of the Faith, &c. To all to whom this present *Manifest* shall come, greeting.

To the end that the Endeavours of our late dear Father, King *James*, of blessed Memory, and our own Proceedings since his Death, in the Cause of our dear and only Sister, Brother-in-Law, and Nephews, Electors, and Princes *Palatine* of the *Rhine* may not be forgotten, or pretendedly unknown, wherein we have studied and laboured nothing more than the Peace of *Christendom*, and the avoiding the *Effusion of Innocent Blood*, by seeking the *Restitution and Re-establishment* of the *Electoral House Palatine*, in their ancient Rights, Dignities, and Possessions within the Empire, out of which they have been by *Violence and Force of Arms*, and other undue Proceedings, expelled and banished, contrary to the ancient Laws and Constitutions of the sacred Empire : We have thought fit, for the Vindication of our own Honour, to call to mind, and to publish to all the World, both a summary Relation of our Actions and Endeavours past, and our present Resolutions in the same Cause.

It cannot be unknown to all the Princes and Estates of *Europe*, and more particularly to those who have had any Interest or Relation to the *Publick Affairs* of *Germany*, how both our Self, and our Father, have, during these 20 Years past, by many and several Ambassages, Treaties, and other Negotiations, to our great Expence and Charges, both with the late Emperor *Ferdinand*, the King of *Spain*, and other Princes and Estates of the Empire, endeavoured by all friendly and treatable

The King concerning the Prince Electoral Palatine.

A Manifest to be made in favour of the Prince Palatine.



ble Means, to procure the Restitution and Re-establishment of our said dear Sister, Brother-in-Law, and Nephews, in their ancient Rights and Possessions, as the only and possible way to settle a good and firm Peace in the Empire, and consequently with all Princes interested therein; without which it is impossible to expect or hope for a good, durable, and honest Pacification of those Troubles which have already, almost rent, consumed, and involved all the Princes of Christendom in a most bloody and destructive War.

And for a clear Demonstration of our sincere Intentions, not only our own pious Inclination, and Care of the publick Peace, hath induced us to omit divers Occasions, whereby we might by such Power as God hath put into our Hands, have prevented the Violences and Oppressions used to our said Sister and Nephews; but we have been led on and invited thereunto by divers Promises, Assurances, and several Letters, both from the late Emperor and King of Spain, and other Usurpers of the Inheritances of the Electoral House Palatine, that they would at last, in Contemplation of our Mediation, hearken and incline to a just and honest Peace, by the Restitution of the Estates and Dignities of our dear Sister and Nephews, whereby we have been drawn, not only to pass by our own, and the publick Interest, and to forbear to engage our Arms in so just a Cause, but also have procured by our Father's, and our Authority, the withdrawing and disbanding of the Forces of Count Mansfelt out of the Palatinate, and advanced divers Truces and Cessations of Hostility or Defence, only to prepare the way of amicable Composition, according to the Hopes and Promises to that End given us, and particularly have caused the Surrender and Deposition of some Places of Strength into the Hands of the late Infanta of Spain, upon reciprocal Assurances of a final Pacification or Restitution.

But what Effects all these our Peaceable and Christian Endeavours have produced, and how all our pious Negotiations have been either delayed or deluded thereby; and by process of Time to root and establish the Usurpations of the House Palatine, and our Patience and Piety thereby abused, is so manifest by the continued Oppression of our said dear Sister and Nephews, that we are forced to protest that there hath nothing succeeded, either to our Desires or Hopes, but a Resolution of Despair of ever obtaining by the ways of Justice, Treaty, or Amity, that which hath been so often promised to, and expected of the Lovers of Christian Peace.

Notwithstanding we have lately received Advice from our dear Uncle the King of Denmark, that at last, by his Mediation and Procurement, the present Emperor and Duke of Bavaria, have condescended to a Treaty to be held at the Dyet at Ratisbone, upon the sixth Day of May last past, for the reviewing and the resettling of the Controversies of the House Palatine, as a Preparation and Inducement to a genetal Peace and Amnesty through the whole Empire: And that he, with some of the Electors of the Empire, is accepted as Mediator of the said Cause, and hath received strong and pregnant Assurances of a better Inclination and Disposition toward the Re-establishment of the Electoral Family in their Rights and Dignities: And to that end hath procured convenient, safe Conduct from the Emperor to our Nephew and his Brethren, freely to come in Person, or to send their Deputies to that Dyet at the Time and Place appointed; with all other Clauses requisite for their Safeties, going, abiding, or coming from thence; and there to plead the Justice of their own Cause: And that in Prosecution thereof, he hath instructed and dispatched his Ambassadors to assist either in Person, or by the Deputies of our Nephews, at the said Treaty of Pacification; and hath desired us herein to comply with him, by sending our Ambassadors qualified and instructed to the same Purpose of procuring a good and settled Peace within the Empire, according to the Intimation of the Princes Electors, signified to him by their Letters, thereby desiring us to assist in the present Assembly at Ratisbone.

To which end, our Nephew, the Prince Elector Palatine, having resolved, by our Counsel and Advice, to send his Deputies according to the Invitation and Hopes, intimated of a good Issue to be expected by the amicable way of Treaty and Composure.

We have also thought fit not to be wanting to so good a Design, so concurrent to our own, and the Desires of so many Princes, and in some Hope of better Fruits than hitherto all our Endeavours have produced, have resolved to make this our last Trial by the way of Treaties, and to send our Ambassador to the



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the Emperor, and other Princes in the said Dyet assembled: And to that Purpose have given him full Power and Instructions to contribute all our Authority to the Procurement and Settlement of a good and blessed Peace, by the Re-establishment and Restitution of the Possessions and Dignities of our said dear Sister, Nephews, and Electoral Family; without which no Peace can be either honest or secure: Hereby exhorting and desiring all other Kings, Princes, and States, our Friends, Allies and Confederates, who shall either be present at the said Dyet, or shall have their Ambassadors or Deputies there, that they will be assisting to the Justice of so good a Cause, and to so great a Blessing, as the restoring of Peace to the almost desolate Estate of Germany.

But because we may have just Cause to doubt, by many Experiences of our former Endeavours, that the Issue and Fruit of this Meeting may not be answerable to our just Expectation; but rather that it may produce contrary Effects, to the Prejudice of the Justice and Rights of our said Nephews and their Family (which God forbid) we are hereby forced to protest against all Acts, Sentences, Conclusions or Determinations whatsoever, which shall or may be had, made, or declared, either in Confirmation of the Oppressions and Usurpations past, or any Additions thereunto for the future, as invalid, and of no Power or Effect.

In which Case (being contrary to our Desire and Expectation) we also further protest and declare, That we will not abandon, neither our own, nor the publick Interest, nor the Cause, Rights, and just Pretences of our dear Sister and Nephews, and other Princes and States involved within their Oppressions: But that we will use and employ all such Force and Power wherewith God hath enabled us, both by our own Arms, and the Help and Assistance of all our Allies and Friends, to vindicate our own Honour, the publick Peace, and redress of the Injuries, Usurpations, and Oppressions of our said dearest Sister and Nephews, and their Illustrious Family.

And hereby as we do profess to use all our Endeavour and Power to promote a happy and desired Peace, for the Consolation of the distressed Empire; so we do appeal to Almighty God, the Inspector of the Hearts of all Princes; and to the World, the Spectator of all our just Actions, that we will be innocent before God and the World, of all the Evils that may ensue, if these our last Hopes shall be delayed or abused.

The said Manifest concerning the Restitution of the Elector Palatine Family, having been seriously considered by both Houses; they, together, came to his Majesty in the Banqueting-House, on the Twelfth of July; where the Lord-Keeper delivered the said Houses Opinion and Resolution in this manner:

Y Our Majesty in your Royal Person was pleased to recommend this Manifest, touching the Palatine Cause, to be read in full Parliament, and to be advised of by both Houses.

Both the Houses have seriously considered of it, and have commanded me to present these their humble Advices unto your Sacred Majesty, which are expressed in this Declaration, which hath passed the Votes of both the Houses, and which I am commanded to read unto your Majesty.

Die Meccurij, 7 Julij, 1641.

The Parliament's Votes touching this Manifest.

R Esolved upon the Question, That this House doth approve of his Majesty's Pious Intentions in the behalf of his Royal Sister, and his Nephew, the Prince Elector Palatine, and the rest of the Princes of that Family, and of the publishing this Manifest to that Purpose; and that this House will be ready to give his Majesty such Advice and Assistance therein by Parliament, as shall stand with the Honour of his Majesty, and the Interest and Affections of this Kingdom, if the present Treaty shall not succeed.



Die Sabbathi 10. Julij, 1641.

16 Car.

**R**esolved in like manner upon the Question by the House of Peers,  
That they do concur in this Vote with the House of Commons.

I am likewise commanded to present the humble Desires of both the Houses of Parliament.

That your Majesty will be pleased to recommend this *Manifest* to the *Parliament of Scotland*, to have the Concurrence of that Kingdom.

Thus much was delivered by the Speaker of the House of Peers, both Houses then attending his Majesty in the Banqueting-House at *White-Hall*. To which his Majesty was graciously pleased to make them this

A N S W E R :

**W**E take very thankfully the concurrent Advices of both the Houses of Parliament, in so great and pious a Work, declared in these Votes and Resolutions, which you have read unto us.

We will also take care to recommend this *Manifest* unto the Parliament in *Scotland*, to have the Concurrence of that Kingdom; which we doubt not but they will perform.

*A Speech delivered by Sir Simon D'Ewes, July 7. 1641. in the Palatine Cause, &c.*

S I R,

**W**E have, during this *Parliament*, fallen upon the Debate of the greatest, and most important Affairs concerning your own Good and Welfare at home, that ever were agitated and discussed at one Meeting in the House of Commons. And we are at this present, by the gracious Invitation of his Royal Majesty, expressed in his most just *Manifest* read unto us, resolved to take into Consideration the most sublime, and most difficult Business of the Christian World abroad; which hath for the Space of above Twenty Years last past, drawn all the Kingdoms and States of *Europe*, into an immediate or mediate Engagement: In which there hath been Twenty pitch'd Battels fought, a Million of Men, Women, and Children destroyed by the Sword, by the Flames, by Famine, and by Pestilence; and that sometimes populous and fertile Empire of *Germany*, reduced to a most extream and calamitous Desolation. I have, in those few spare Hours I could borrow Yesterday, from the publick Service of the House, recollected some Particulars, which may conduce to the clearing of this great Cause, being drawn out of the Antographs themselves, or out of our Records at home, or out of the Writings of our very Adversaries, and others abroad. I shall therefore begin at the Original it self, of the never enough to be lamented Loss of the Prince *Palatine's* Dominions, and *Electoral* Dignity; that so we may take along with us, in our intended Disputes; not only our Affections, but our Consciences. It is therefore very manifest, to all that are but meanly vers'd in the Cabinet Affairs of *Christendom*; that the *Jesuites* have consulted for many Years last past, as well before as since the furious Wars of *Germany*, by what Means to ruin the *Evangelical Princes* and Party there. Their chief Aim hath been so to divide the Protestant Princes amongst themselves, as they might be made use of each against other, for the ruin each of the other. The first Occasion that offered it self within our Memories, was the Pretences of several Competitors to the Dukedoms of *Cleve* and *Juliers*, and they failed but a very little to have executed their intended Design upon that Occasion. But their Hopes failing in it, they apply themselves integrally to *Ferdinand* of *Austria*, Duke of *Gratz*, a Prince, not long since, so poor, and of so mean a Consideration to add the Weight of but one Grain to the down-balancing of the Affairs of *Christendom*, as his Name was scarce heard of.



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They find him a fit Subject for them to work upon, having from his Cradle been bred up in an extream hatred of the Protestant Party, who professed the Truth. They resound nothing into the Ears of the old Emperor *Matthias*, but his Cousin *Ferdinand's* high Merits; so as he passing by his own natural Brothers, and the Head of his House, the *Spanish* King adopts *Ferdinand* of *Gratz* for his Son, so to prepare a way to make him the Successor of his Scepter, Crown and Purple.

Then were the sacred *Dyets* of the *Empire*, the ancient Means to reconcile Differences, and prevent Jealousies, as often dissolved abortively, as call'd *insincerely*. Rumours were spread of Practices and Designs against the Protestant Princes and Cities: And that those Rumors might not vanish in Smoak, the Liberties of the great and ancient City of *Strasburgh* were oppress'd. The Protestant Princes seeing Materials and Engines on every side, prepared for their Ruin, were necessitated to meet at *Hailbrun*, and there to conclude an Union amongst themselves.

This gave the *Jesuits* an assured hope of making *Germany* speedily Miserable by a calamitous War; for not only the *Pontifical* Princes, took the Opportunity to settle a *Catholick* League, as they call'd it, among themselves; but also the *Elect*or of *Saxony*, like a true *Pseudo-Lutheran*, neither Protestant nor Papist, shews as good an Affection to the *Catholick* League, as the *Evangelick* Union. The old Emperor *Matthias*, begins now to act his Part, and the *Jesuits* spur on their ready Scholar, *Ferdinand* of *Gratz*, to ascend the bloody Theatre they had so long design'd him. Through the old Emperor's Intercession, abusing the *Bohemian* Protestants Credulity, with sug'ed Flatteries, and large Promises, he is admitted to the Crown of that rich Kingdom; which soon after made way for him unto the Crown of *Hungary* also. The *Jesuits* and the *Spaniards* did now only want a fair occasion to begin a War in *Germany*. The Emperor *Matthias* labours with the Protestant Princes to dissolve their Union; which not taking Effect, the Bishop of *Spier*s is encouraged under-hand to pick a quarrel with the Prince *Elect*or *Palatine*, and to build a strong Fortress, upon his Neighbours Territories, pretending he had right to that Plot of Ground, upon which the said Fortress was raised; but an higher Providence did not suffer this Spark to set *Germany* on fire, though it had been kindled at the Prince *Elect*or's own Door (to affront and provoke him;) for he, by an incredible Celerity, did cause the said Fortress to be demolished before the Enemy could fit and furnish it for his intended use; which made him sit still and study for a new Occasion; which that it might not belong wanting, the Liberties and Priviledges of the Protestants in *Bohemia*, contrary to their new King *Ferdinand's* Oath, were temerated; and by that means, in the Year 1619, the greater part of the Estates of that Kingdom, were necessitated after the mature Deliberation, to abdicate him, and to elect *Frederick*, Prince *Elect*or *Palatine* for their King.

And thus are we arrived at that sad Period of time; upon which so many Fatalities have ensued, in which we may see evidently, that the Prince *Elect*or *Palatine* was not casually guilty of any part of that Ocean of Blood that hath been since spilt in *Germany*, as the *Pontifical* side pretend he was. The Scene was long before prepared by the Enemies of the Truth; and the Kingdom of *Bohemia* was filled with Arms and Hostilities divers Months before his accepting of that Crown, when himself laboured, by an earnest Meditation, to have given a peaceable Issue to those bloody Beginnings. It was the Honour and Greatness of that matchless Princess, that he gained here, and the considerable Succours they expected from hence, that especially drew the *Bohemians* to that Choice. It therefore concerns us now at length, to provide that the Prince *Elect*or himself, and the other Princely Branches of that Family (being the second without question, if not the first, and most ancient of the *Empire*) extracted by their last Match, from the Royal Line of *Great Britain*, should not under colour of their Father's accepting that Crown, to which they now pretend no Title, be for ever despoiled of their ancient Inheritance, the Electoral Dignity: To which Calamity they had never been reduced, had not the *French* King at that time forgotten the old Maxim of his Predecessors, which was to keep even the balance of *Germany*, to which also did most fatally concur, the Duke of *Bavaria's* Ambition, betraying his own Blood, and the Duke of *Saxony's* taking of Arms against the *Evangelical* Party. By this means, and the advancing of *Spinola* with the *Spanish* Army out of the *Netherlands*, was not only the Kingdom



dom of *Bohemia* lost in a few Months, but the *Palatinate* also (excepting some few Places of Strength invested by the Enemy) and that poor People, left to Slaughter, Calamity, and Desolation. The Correspondence of some ill Ministers of this State abroad, with those of foreign States here, assisted by some fatal Instruments at home, furthered all this Mischiefe at the Instant, putting this State in hope of a Match; when Supplies should rather have been sent from hence, to have preserved, at least, the *Electoral Territories* from an invading Power. It is true, that the *Spanish Match* had been generally treated of, some five or six Years before this fatal Fire kindled in *Germany*, being first set on foot by the Duke of *Lerma*, under *Philip of Austria*, the late King of *Spain*; but now it was effectually advanced and fortified with a conjoin'd Treaty of accommodating the *Palatine Cause* without Effusion of Blood. This and much more appears in the Original Journal-Books of the Two Houses of Parliament, in *An. 21 Jacobi Regis*, which I have so far perused, as so short a Time would give leave; and though that Matters are there set down at large, especially in the Records of the House of Peers, yet I have abstracted it into so narrow a Compass, as may well sort with the little spare Time of this House to hear it. The Relation was first made at *White-Hall*, during that Parliament, in the Presence of the greater part of both the said Houses, on *Tuesday, Feb. 24.* And it was afterwards reported upon *Friday* the 27th Day of the same Month next ensuing, in the Lords House, by the then Lord-Keeper, and in the House of Commons by Sir *Richard Weston*, at that Time Chancellor of the *Exchequer*. It is there at large set forth, That his Majesty's Royal Father, having had several fair Promises from the Emperor *Ferdinand II.* and the King of *Spain*, of a peaceable Restitution of the *Palatinate*, caused not only such considerable Forces, as were then remaining in *Germany*, under the Prince *Electors*' Ensigns, to disband; but procured also some Places of Strength in the *Palatinate* it self, to be surrendred and consigned over in trust to the late *Infanta of Spain*. But in the Year 1622, our late Royal Sovereign, King *James*, upon his Embassador's return from *Bruxels*, having discovered the Emperor's Intentions to be full of Insincerity and Deceit, wrote his Princely Letters, bearing date at *Hampton-Court, Octob. 3. 1622.* to the (then and still) Earl of *Bristol*, his Majesty's Extraordinary Embassador in *Spain*, to let him know that he now perceived little Sincerity in all the *Spanish King's* Promises, for the peaceable Restitution of the *Palatinate*, by whose only Means he had suffered the same to be lost to the Emperor; and that therefore he should presently press that King, either to give a full and direct Answer under his Hand and Seal, for the Restitution thereof; or else to join his Arms with his Majesty, against the Emperor, for the Recovery of the same. But this Matter, as it further appears by the original Journal-Books of the Lords House, being either not thoroughly pressed, or notably dissembled, so many Delays ensued one upon the Neck of another, as in the Issue it drew his Royal Majesty, then Prince of *Wales*, to undertake that dangerous and remote Journey unto that Nation, which hath been the long and hereditary Enemy of *England*. This Journey was chiefly undertaken by so great a Prince, to put an end, one Way or other, to that unfortunate Treaty; and his Stay in *Spain* so long, did casually proceed from his earnest Desire to have effected a peaceable Restitution of the *Palatinate*; and therefore I doubt not, but he shall now live to verifie that excellent and heroick Expression which he made to the *Conde de Olivarez*, a little before his coming out of that Kingdom,

*Look for neither Marriage nor Friendship, without the Restitution of the Palatinate.*

And I assure my self, that the Force and Power of *Great-Britain*, which was lately, by subtile and wicked Instruments divided against it self, being now united in one again, will be able to effect such great and considerable Actions, as shall render his Majesty's Name and Reign glorious to all Posterity. The Two Houses of Parliament, at that Time received the before-mentioned Declaration, with so much Resentment, as having first rendred Glory to God, that had so seasonably discovered the *Spanish Frauds*, and next their humble Acknowledgments to their then Gracious Sovereign, for requiring their Counsels in a Business of so great Importance, they did unanimously advise him to break off the said Two Treaties, touching the Marriage, and the Restitution of the *Palatinate*; engaging no less than their Persons and Purfes, for the Recovery of the



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then *Prince Elector's* ancient and hereditary Dominions. It appears also in the Original Journal-Book of this House, *De Anno 1 Caroli*, that this great Business was again taken into Consideration, but was finally intombed with other Matters of great Moment, by the fatal and abortive Dissolution of that Parliament. If therefore this great Council of the Kingdom, did in those two former Parliaments, account the Restitution of this Illustrious and Princely Family to be of such great Necessity for the preserving of true Religion abroad, and securing our selves at home, as to engage themselves for an Assistance therein; certainly we may upon much better Grounds undertake the same now, when I assure my self, we may go as far with a Thousand Pounds for the present, as we could have done with Ten thousand at that Time: For let us but take a short View of the Estate of *Christendom*, what it was then, and what it is now, and we shall easily perceive a great Alteration in the Balance thereof.

In *France*, where *Monsieur de Luynes* did then rule all, being himself acted by the Pope's Legate, that King, contrary to the Examples of *Francis I.* *Henry II.* and of *Henry the Great*, his own Father, and contrary to the Maxims and Interest of that State, and his own Safety, advanced the formidable Power and spreading Greatness of the House of *Austria*: But now the same French King's Eyes have been so opened, that, shaking off that former unhappy Slumber he was in, he hath by his Arms and Power, to his immortal Honour and Glory for divers Years last past, endeavoured to restore again that Liberty to the German Empire, in the Ruin of which himself had so fatally before concurred.

The *Swedes* were then involved in several Wars or Jealousies with the *Pole*, and enforced to keep at home to defend their own; but now have a strong Army, and possess divers Places of important Consequence within the very Bowels of the Empire.

The Episcopal Electors, with the other Pontifical Princes and Prelates, the sworn Enemies to the Protestant Religion, were then Rich and Potent, but since most of their Countries and Territories have tasted of the same Calamities of War, which they had formerly brought upon their Neighbours; so as now they are most of them scarce able to defend their own, much less to offend any other.

The *Pseudo-Lutheran* Elector of *Saxony*, that is casually guilty more than any other single Person living, of all those Calamities and Slaughters which have for so many Years wasted *Germany*, and was then so liberal of his Treasure, and so forward with his Arms to ancillate to the Emperor's Designs, to the almost utter Subversion of the true Religion in *Germany*, is now, after the reiterated Termination of his Faith and Promises, the fatal Survivor of the several Devastations of his own Country and Dominions: So as all those vast Difficulties and great Dangers, which might well have retarded the Forwardness of those two former Parliaments; the first being held in the Twenty-second Year of his Majesty's Royal Father; and the latter in his own first Year, being now removed, we have greater Encouragements than ever to concur with our Sacred Sovereign in the asserting this his most Just and Princely Manifest.

For mine own part, I expect no good Issue of the present Treaty at the Dyet of *Ratisbone*. I know the Duke of *Bavaria's* Ambition too well, ever to imagine, that he will part with those large Revenues; and much less with the Septemviral Dignity and Suffrage he hath obtained by the Prince Elector's Calamity and Misfortune; unless it be extorted from him by Force of Arms. My humble Advice therefore is, that we send up to the Lords to desire a speedy Conference with them; in which we may acquaint their Lordships how far we have proceeded in our Approbation of his Majesty's most Royal Manifest, and to move them to concur unanimously with us therein.



*A Speech upon the first Day's Debate, concerning the Palatinate, by Sir Benjamin Rudyard.*

Mr. Speaker,

**T**His great Affair of the *Palatinate* concerns this Kingdom in Nature, in Honour, in Reason of State, in Religion.

We all know how near in Blood the Prince Elector is to his Majesty.

Many of us here know, what solemn Protestation hath been made in this Place for the Recovery of the *Palatinate*, by which we are bound in Honour to pursue it with our best Assistance.

God hath so framed the Powers of Man, and so ordered the Course of Things in this World, as that in all Actions, right Reason, and true Religion may well hold, and go a great Way together.

If we consider Religion according to Reason of State, we shall find that *Christendom* divides it self into two Sides; with the Pope against the Pope. His Majesty is the greatest King of the Religion, and therefore fittest to be the Head of that Party; which will add a greater Greatness to him than can be gotten any other Way.

The Means of it are, first, To preserve Religion sound and entire within his own Kingdoms at Home: Next to unite the homogenial Parts of it, Pieces of the same, together by Alliances, by Confederations abroad.

The good Effect of this *German Match* was lost, by the ill Counsels of those Times: It will be an Honour to us to repair it by better.

The restoring of the Prince Elector to his Territory and Dignity, will restore Religion there, will strengthen it, nay encrease it further in *Germany*; which Consideration is of a great and vast Consequence, proportionable to the Greatness and Vastness of that Country. It will likewise refresh and comfort the needful Heart of that most Noble, Vertuous, and Magnimously suffering Queen of *Bohemia*, his Majesty's Sister, his Highness Mother, who is ever to be highly and tenderly regarded by this House, by this Kingdom.

This is a fit Conjunction of Time to begin it in, whilst the King of *Spain* hath so much to do of his own, as he is not able to afford his usual Aids to the Emperor, which probably may induce the Emperor to abate of former Resolutions.

That which is now propounded, is only a *Manifest*, to express and declare our Zeal and Heartiness to the Cause, thereby to give it Countenance and Reputation in the present Dyet at *Ratisbone*. Reputation, in Matters of State, doth many Times prevail as much as Substance.

His Majesty's Father of blessed Memory, and himself, have for many Years mediated and treated with the successive Emperors, by all fair and amicable Ways. They have been deluded, they have been neglected: It behoves us, Mr. Speaker, to be *Englishly* sensible of the Injustice, of the Indignity.

Wherefore, my humble Motion is, That the House will be pleased presently to name a select Committee, to compose a Declaration suitable to the Importance of the Cause.

*Another Speech upon the Second Day, concerning the Palatinate, by Sir Benjamin Rudyard, at a Committee of the whole House.*

Mr. Whitlock,

**I**F we may do the Prince Elector Good by our good Word, I hope we shall not stick to afford it him. A Word spoken in due Season, is worth more than Gold and Silver at another time.

His Majesty's Ambassador is now at the Dyet at *Ratisbone*, where the Emperor and other Princes, are by friendly Treaties endeavouring to make up the Breaches of *Germany*. If this Opportunity be omitted, his Highness Affairs will be exceedingly cast behind hand.



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It is true, that our Treaties heretofore have not been prosperous; the Reason hath been, because of the unhappy Distance between the King and his People, which brought a disvalue upon this Kingdom abroad. But now, when the World shall take notice of the good Understanding between his Majesty and his Subjects, by an earnest and solemn joining of the whole Parliament with his Majesty's Declaration, the Propositions coming from hence, will carry with them more Weight, more Authority; which is the Way to redeem our Engagement at an easie Rate, to save those great Charges which some do so much fear.

If we should be backward in this great Work, we shall cancel the Obligations of Nature, of Honour, of Reason, of State, of Religion, which bind us to it.

Wherefore, Mr. *Whitlock*, my humble Motion is, That we may draw up a short and round *Manifest*, to wait upon and affirm the King's Declaration to be still managed by Advice of Parliament, which will be safe for our selves, and more powerful and effectual for the Prince Elector.

*Mr. Denzil Hollis's Speech to the Lords, concerning the settling of the Queen of Bohemia, and her Electoral Family, in their Right and Inheritance, with Restitution for their Sufferings, July 9. 1641.*

*My Lords,*

THE Knights, Citizens, and Burgesses of the House of Commons, have commanded me to let your Lordships know, that they have taken into their serious Consideration his Majesty's Proposal to them of the *Manifest*; in which he is graciously pleased to declare his pious Intentions concerning his Royal Sister, the Prince *Palatine* her Son, and the rest of the Electoral Family.

They do with all Humbleness acknowledge his Majesty's Favour, in communicating unto them any part of his Royal Thoughts, and asking their Advice and Counsel in a Business that doth so nearly concern him, as needs must the Happiness, nay, the Subsistence of these distressed Princes, of so glorious an Extraction, their Veins being enriched with the same Blood, that is, from so Royal Ancestors, derived with Glory into his Sacred Person.

And in that Relation, the House of Commons looks upon them with an Eye of Tenderness, wishing that every Drop of that Princely Blood may ever be illustrated with Honour and Happiness: That his Majesty may be crowned with this Blessing, to see nothing but Glory in himself and all that belong unto him.

To hear then, that these Princes, so nearly allied unto the King, should suffer that which is so unworthy of them; instead of Honour, of Greatness, to find Oppression; instead of a Fortune answerable to their Birth and Relation, to have their ancient Patrimony torn from them, and detained by a Hand of Violence, is a Thing which makes our Ears to tingle, and our Hearts to rise within us.

*My Lords,* The Loyal Subject of *England* is so well tuned in a sweet agreeing Harmony to the Person of his Prince, that he is affected with the least Touch upon any part of the Princely Offspring, and answers it instantly with a Sound proportionable; if it be good and pleasant, with Joy and Exultation; if harsh and displeasing, with Sorrow and Lamentation; but a Sorrow not womanish and faint, but accompanied with Indignation, and vigorous, magnanimous Resolution, to be avenged upon whosoever dare give Offence to our Royal Sovereign.

This then is enough to make us zealous for the Redress of the Prince Elector's Wrongs, to desire (with Impatience) to see him re-invested in his rightful Possessions, were there nothing else to move us to it, but our Love and Affection, and our Duty to the King.

But, *My Lords*, there is yet another Motive, which hath a strong irresistible Operation with us; and it is the Consideration, how much this is of Importance to the good of Religion, the advancement of the Protestant Party, and redeeming many Souls from their Antichristian Bondage; which hath a double Aspect, and relates to us, not only as we are Fellow-Members with them of the true Church, which obliges us to a Care and Defence of them, and gives us an Assurance of a Reward in Heaven; but doth more particularly concern us in Point of Policy and Reason of State, by supporting our Allies, to advance this Kingdom to the highest Pitch of Greatness and Reputation, to make us formidable abroad to the Enemies of our Church and State, and so enjoy Peace and Safety, and Tranquility at home.

For,



For, my Lords, the Protestant Religion, and this Kingdom, are like *Hippocrates's* Twins, that must both live and die together.

It is Madness to think this State can subsist, if Religion be subverted; and as great a Madness to think our Religion can continue here, if we suffer it to be destroyed and eradicated out of the neighbour Countries; which can no more be (that is, our Religion and this Kingdom be preserved) when our Neighbours of the same Religion and Belief with us, be consumed, than a Fort can hold out, when all the Out-works be taken; or the Heart preserved, when a Gangrene hath seiz'd on the outward Parts of the Body.

My Lords, As the true Religion is in Truth the Heart of *England*, which gives it Life, and makes it flourish with Strength and Power; so is *England* (in a Politick respect) the Heart of the Protestant Religion in all the other Parts of *Christendom*; and upon Occasion, must send out Supply into all the neighbouring Countries, professing the same Religion with it; which (to be themselves in Safety) must be under the Protection of this Fort, under Contribution to this Garrison.

And on the other side, if these Countries be one after another Invaded and Possessed by the Enemies of our Religion, that great Tye of Religion between us, and those Bonds will be dissolved, which only can unite and strengthen our mutual Affections and Relations; as if they get one Part, their Appetite will encrease soon to swallow up another.

First, The *Palatinate*; then the other Ports of *Germany*; afterwards the *Low-Countries*; and then let us think in what Condition *England* will stand; It will be left as a Cottage in a Vine Yard; as a Lodge in a Garden of Cucumbers; as a Besieged City, when all the Defences are gone; it will soon fall to be a Prey of the Enemy.

My Lords, This Consideration likewise works with the Commons of *England*; and as the Wise Man is to have his Eyes in his Head, and look before him; so they do look before them, and had rather see this Evil met half way, than stay till it come to them; rather see the eating Gangrene of the *Austrian* Ambition in *Germany*, than tarry till it seize upon the Vital Parts of this Island, and the Death of Religion inevitably follow.

This Business took up a serious Debate, and after much time, and many Arguments spent upon the Subject, the Knights, Citizens, and Burgeses assembled in Parliament, came to this Resolution, which was here read. This they have commanded me to represent unto your Lordships, and desire your Lordships will join with them in a Tender of the like Advice unto his Majesty, in Approbation of his Royal Intendments.

And likewise, That his Majesty may be moved in the Name of both Houses, to recommend this Business unto his *Parliament of Scotland*, to have the Consent and Furtherance of that Kingdom; that as we be Brethren in mutual Affection, in an equal Tye of Duty and Allegiance unto the King our Sovereign; so we may be Brethren also in the same tender Care, and loving Zeal, for the Good and Support of his Majesty's Kindred, and their Restitution, with their ancient Inheritance, and the Safety of the Reformed Churches.

This Day also Sir *Benjamin Rudyard* delivered a Message from his Majesty to the Commons, concerning the Queen-Mother, viz. That his Majesty desired her Departure, if Monies could be obtained for sending her away; and that less than Ten Thousand Pounds would not suffice for that purpose: Whereupon it was concluded by the Commons, that there should be so much Money presently paid out of the Poll-Money, for the speedy sending her away.

And accordingly, in *August* following, she departed this Kingdom, and not long after, this Life; which is thus related by Mr. *Sanderson*:

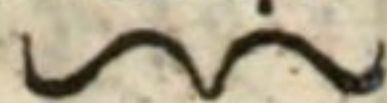
' *Mary de Medicis*, Queen Dowager of *France*, having been here a chargeable Guest, till the Entrance into our much Misery (a Fate that followed her where-e'er she came, as if this unfortunate Princess had always carried ill Luck in her Company) took her leave, with the goodliking of King and People; who was conveyed over to *Holland* by the Earl of *Arundel*, appointed by his Majesty to wait upon her, and to re-

16 Car.

Queen-Mother goes out of *England*.



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July. 6. The  
Judges Char-  
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main beyond the Seas during Pleasure, which lasted to her Death, at Cologne in Germany, whither that Queen, after some short Stay in Holland, retired; and there also this great Princess, overwhelm'd with Miseries and old Age, and in a Condition of Melancholy, fell sick, and deid in the Nature of an Exile, whilst Cardinal *Richelieu*, whom she had raised so high, stood fast in the Favour of the King her Son, having the intire Administration of Affairs, and slighted her Misfortunes.

The Committee for the Judges making their Report, the Charges against the Judges were read in the House of Commons; and by them Ordered to be sent up to the Lords; upon the delivery of which, the following respective Speeches were made to their Lordships.

*The Speech of William Pierpoint, Second Son to the Right Honourable the Earl of Kingston, against Sir Robert Berkley, Kt. one of the Justices of the King's-Bench; at a Conference of both Houses in the Painted-Chamber, July 6. 1641.*

My Lords,

Mr. Pier-  
point's Speech  
against  
Judge Berk-  
ley, July 6.

I Am Commanded to present to your Lordships these Articles, with which the Knights, Citizens, and Burgeses of the Commons House of Parliament, in their own Name, and in the Name of all the Commons of England; Impeach Sir Robert Berkley, one of the Justices of his Majesty's Court of King's Bench, in Maintenance of their Accusation of High-Treason, and other Great Misdemeanors. They desire that the Articles may be Read: *Which was done by Mr. Newport.*

*Articles of Impeachment of Sir Robert Berkley, Kt. one of the Justices of the Court of King's Bench, by the Commons in this present Parliament Assembled, in their own Name, and in the Name of all the Commons of England, in Maintenance of their Accusation; whereby he standeth Charged with High-Treason, and other great Misdemeanours.*

Articles a-  
gainst Judge  
Berkley.

*Imprimis,* **T**Hat the said Sir Robert Berkley, then being one of the Justices of the said Court of King's-Bench, hath Traite-roussly and Wickedly endeavoured to Subvert the Fundamental Laws and Established Government of the Realm of England; and instead thereof to introduce an Arbitrary and Tyrannical Government against Law, which he hath declared by Traiterous and Wicked Words, Opinions, Judgments, Practices and Actions, appearing in the said Articles ensuing.

II. Whereas by the Statute made in the Five and twentieth Year of the Reign of the late King *Henry* the Eighth, Prices of Victuals are appointed to be Rated, in such manner, as in the Statute is Declared: But it is manifest, by the said Statute, Corn is none of the Victuals thereby intended. Nevertheless, some ill affected Persons, endeavouring to bring a Charge upon the Subjects, contrary to Law, did surmise, that the Prices of Corn might be Rated in such manner, and set according to the Direction of that Statute, and thereupon great Gain might be raised to his Majesty, by Licenses and Dispensations, for selling Corn at other Prices: And a Command from his Majesty, being procured to the Judges, and sent to them by *William Noy*, Esq; his Majesty's then Attorney-General, to deliver their Opinions touching the Question,

Whether



whether Corn was such Victuals as was intended, to have the Price rated within the said Statute: In Answer to such Demand, the said Sir Robert Berkley, then being one of His Majesty's Justices of the Court of *King's-Bench*, in furtherance of the said Unlawful Charge endeavoured to be imposed, as aforesaid, the Thirtieth Day of *November*, in the Eighth Year of his now Majesty's Reign, did deliver his Opinion, That Corn was such Victual, as was intended to have the Price rated within the said Statute; which said Opinion was contrary to Law, and to the plain Sense and Meaning of the said Statute; and contrary to his own Knowledge, and was given and delivered by him, with a Purpose and Intention, that the said unlawful Charge might be imposed upon the Subject.

III. That an Information being preferred in the Court of *Star-Chamber* by the said William Noy, His Majesty's then Attorney-General, against John Overman, and Fifteen other Soapmakers, Defendants, charging them with several pretended Offences, contrary to divers Letters Patents and Proclamations, touching the making and uttering Soap, and using the Trade of Soapmakers, and other Offences in the said Information mentioned; whereunto the Defendants did Plead and Demurr as to part, and answer to other part of the said Information: And the said Plea and Demurrer being over-ruled; for that the Particulars therein insisted upon, would appear more fully after Answer and Proof; therefore the Defendants were ordered to Answer without Prejudice, and were to be admitted to such Exceptions to the said Information and Advantages of the Matter of the Plea and Demurrer, upon the Hearing, as should be material; and accordingly the Defendants did put in their Answers, and set forth several Acts of Parliament, Letters Patents, Charters, Customs, and Act of Common-Council of the City of *London*, and other Matters materially conducing to their Defence; and in Conclusion Pleaded not Guilty. The said Sir Robert Berkley, then being one of the Justices of the Court of *King's-Bench*, upon the Thirtieth of *March*, in the Eighth Year of his Majesty's now Reign, upon an Order of Reference to him and others, by the said Court of *Star-Chamber*, to consider of the Impertinency of the said Answers, did Certifie the said Court of *Star-Chamber*, that the whole Answers, excepting Four Words, and the Ten last Lines, should be expunged, leaving thereby no more Substance of the said Answers, than the Plea of not Guilty. And after, upon a Reference to him and others, by Order of the said Court, of the Impertinency of the Interrogatories, and Depositions of the Witnesses taken on the Defendant's Part, in the same Case; the said Sir Robert Berkley, upon the Second Day of *May*, in the Eighth Year of his now Majesty's Reign, Certified, That Nine and Thirty of the said Interrogatories, and the Deposition's upon them taken, should be suppressed, with the Answers (except as aforesaid) although the same did contain the said Defendant's most material Defence; yet were the same expunged and suppressed, according to the said Certificates; both which said Certificates were contrary to Law and Justice, and contrary to his the said Sir Robert Berkley's own Knowledge, and contrary to the said former Order; whereby the Advantages were saved to the Defendants, as aforesaid: And by Reason thereof, the said John Overman, and the said other Fifteen Defendants, were sentenced in the said Court of *Star-Chamber*, to be committed Prisoners to the *Fleet*, and disabled from using their Trade of Soapmakers, and one of them Fined in a Thousand five hundred Pounds; two of them in a thousand Pound a-piece; four of them in a thousand Mark a-piece; which Fines were  
Estreated



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Estreated into the Exchequer without any Mitigation: And the said Defendants, according to the said Sentence, were imprisoned and deprived of their Trade and Livelihood, tending to the utter Ruin of the said Defendants, and to the overthrow of free Trade, and contrary to the Liberty of Subjects.

IV. That he the said Sir Robert Berkley, then being one of the Justices of the *King's-Bench*, and having taken an Oath for the due Administration of Justice, according to the Laws and Statutes of this Realm, to his Majesty's Liege People, on or about the last of *December*, subscribed an Opinion, *in hæc verba*. [*I am of Opinion, that as where the Benefit doth more particularly redound to the Good of the Ports or Maritime Parts (as in Case of Piracy or Depredations upon the Seas) there the Charge hath been, and may be lawfully imposed upon them, according to the Precedents of former Times: So where the Safety and Good of the Kingdom in general is concerned, and the whole Kingdom in danger (of which his Majesty is the only Judge) there the Charge of the Defence ought to be born by all the Realm in General: This I hold agreeable both to Law and Reason,*

V. That he the said Sir Robert Berkley, then being one of the Justices of the Court of *King's-Bench*, and duly sworn as aforesaid; in *February* 1636. subscribed an Extrajudicial Opinion in answer to Questions, in a Letter from his Majesty, *in hæc verba*.

CHARLES Rex,

‘ **W**hen the Good and Safety of this Kingdom in general is concerned, and the whole Kingdom is in Danger, Whether may not the Kings, by Writs under the Great Seal of *England*, command all the Subjects of this Kingdom, at their Charge, to provide and furnish such Number of Ships, with Men, Victuals and Munition, and for such time as he shall think fit, for the Defence and Safeguard of the Kingdom from such Peril and Danger; and by Law compel the doing thereof in case of Refusal or Refractoriness? And whether in such Case, is not the King the sole Judge, both of the Danger, and when and how the same is to be prevented and avoided?

C. R.

*May it please your Most Excellent Majesty,*

‘ **W**E have, according to your Majesty's Command, severally every Man by himself, and all of us together, taken into serious Consideration the Case and Question, signed by your Majesty, and inclosed in your Royal Letter: And we are of Opinion, That when the Good and Safety of the Kingdom in general is concerned, and the whole Kingdom in Danger, your Majesty may by Writ, under the Great Seal of *England*, command all the Subjects of this your Kingdom, at their Charge, to provide and furnish such Number of Ships, with Men, Victual and Munition; and for such time as your Majesty shall think fit, for the Defence and Safeguard of the Kingdom from such Danger and Peril; and that by Law your Majesty may compel the doing thereof in case of Refusal or Refractoriness: And we also are of Opinion, That in such Case your Majesty is the sole Judge, both of the Danger, and when and how the same is to be prevented and avoided.

‘ *John Bramston, John Finch, Humphrey Davenport, John Denham, Richard Hutton, William Jones, George Crook, Thomas Trevor, George Vernon, Robert Berkley, Francis Crawley, Richard Weston.*



VI. That he the said Sir *Robert Berkley*, then being one of the Justices of the Court of *King's-Bench*, and duly sworn as aforesaid, did on the deliver his Opinion in the Exchequer-Chamber, against *John Hampden*, Esq; in the Case of Ship-Money, that he the said *John Hampden*, upon the Matter and Substance of the Case, was chargeable with the Money then in Question: A Copy of which Proceeding and Judgment, the Commons of this present Parliament have delivered to your Lordships.

16 Car.

VII. That he the said Sir *Robert Berkley*, then being one of the Justices of the Court of *King's-Bench*, and one of the Justices of Assize for the County of *York*, in *Lent* 1636. did deliver in his Charge to the Grand-Jury, *That it was a lawful and inseparable Flower of the Crown, for the King to command, not only the Maritime Counties, but also those that were Inland, to find Ships for the Defence of the Kingdom.* And then likewise falsely and maliciously affirmed, That it was not his single Judgment, but the Judgment of all his Brethren, witnessed by their Subscriptions: And then also said, That there was a Rumour, that *some of his Brethren* that had subscribed, were of a contrary Judgment: But it was a base and unworthy thing for any to give his Hand contrary to his Heart; and then wished for his own part, that his *Hand might rot from his Arm* that was guilty of any such Crime, when as he knew that Mr. Justice *Hutton*, and Mr. Justice *Crook*, who had subscribed, were of a contrary Opinion, and was present when they were persuaded to subscribe; and did subscribe for Conformity, only because the major Number of the Judges had subscribed. And he the said Sir *Robert Berkley*, then also said, That in some Cases, the Judges were *above an Act of Parliament*; which said malicious Words were uttered, as aforesaid, with Intent and Purpose to countenance and maintain the said unjust Opinions, and to terrifie his Majesty's Subjects that should refuse to pay Ship-Money, or seek any Remedy by Law, against the said unjust and illegal Taxation.

VIII. That whereas *Richard Chambers*, Merchant, having commenc'd a Suit for Trespass and false Imprisonment against Sir *Edward Bromfield*, Knight, for imprisoning him the said *Chambers* for refusing to pay Ship-Money, in the time that the said Sir *Edward Bromfield* was Lord-Mayor of the City of *London*; in which Suit the said Sir *Edward Bromfield* did make a special Justification: The said Sir *Robert Berkley* then being one of the Justices of the Court of *King's-Bench*, in *Trinity-Term* last, then sitting on the Bench in the said Court, upon debate of the said Case, between the said *Chambers* and Sir *Edward Bromfield*, said openly in the Court, *That there was a Rule of Law, and a Rule of Government*: And that many Things which might not be done by the Rule of Law, might be done by the Rule of Government; and would not suffer the Point of the Legality of Ship-Money to be argued by the said *Chamber's* Council; all which Opinions, Declarations, Words and Speeches, contained in the Third, Fourth, Fifth, Sixth, Seventh, and Eighth Articles, are destructive to the Fundamental Laws of this Realm, the Subjects Right of Property, and contrary to former Resolutions in Parliament, and to the *Petition of Right*; which Resolutions of Parliament and Petition of Right were well known to him, and resolved and enacted when he was the King's Serjeant at Law, and Attendant in the Lords House of Parliament.

IX. That he the said Sir *Robert Berkley*, then being one of the Judges of the Court of *King's-Bench*, and being in Commission of the Peace, and duly sworn to execute the Office of a Justice of the Peace in the County of *Hertford*, on or about the seventh of *January* 1638. at which time the General Sessions of the Peace for the said County were there



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holden, the said *Sir Robert Berkley*, then and there sitting on the Bench, did revile, and threaten the Grand-Jury, return'd to serve at the said Sessions, for presenting the Removal of the *Communion-Table* in *All-Saints Church* in *Hertford* aforesaid, out of the Place where it anciently and usually stood, and setting it Altar-wise, against the Laws of this Realm, in that Case made and provided, as an Innovation in Matters concerning the Church; the said Grand-Jury having delivered to them in Charge at the said Sessions, by Mr. Serjeant *Atkins*, a Justice of Peace of the said County of *Hertford*, that by the Oath they had taken, they were bound to present all Innovations concerning Church Matters. And he the said *Robert Berkley*, compelled the Foreman of the Jury to tell him who gave him any such Information; and thereby knowing it to be one *Henry Brown*, one of the said Grand-Jury, he asked the said *Brown*, how he durst meddle with Church Matters; who affirming that in the said Charge from Mr. Serjeant *Atkins*, the said Jury was charged to do; he the said *Sir Robert Berkley*, told the said *Brown*, he should therefore find Sureties for his Good Behaviour; and that he the said *Sir Robert Berkley* would set a great Fine on his Head, to make him an Example to others; and thereupon the said *Brown* offered sufficient Bail, but he the said *Sir Robert Berkley* being incens'd against him, refused the said Bail, and committed the said *Brown* to Prison, where he lay in Irons till the next Morning, and used to the said *Brown*, and the rest of the Jurors, many other reviling and terrifying Speeches; and said, He knew no Law for the said Presentment, and told the said *Brown*, That he had sinned in the said Presentment; and he compelled the said Grand-Jurors to say, that they were sorry for what they had done in that Presentment, and bid them to trample the said Presentment under their Feet, and caused *Brown* to tear the said Presentment in his Sight: And he the said *Sir Robert Berkley*, when as *John Houland*, and *Ralph Pemberton*, late Mayor of *St. Albans*, came to desire his Opinion on several Indictments against *John Brown*, Parson of *St. Albans*, and *Anthony Smith*, Vicar of *St. Peters* in *St. Albans*, at the Quarter-Sessions held at the said Town of *St. Albans*, on the 24th of *June*, 1639, for the removal of the *Communion-Table* out of the usual Place, and not administering the Sacrament according to Law in that Case provided. He the said *Sir Robert Berkley* then told them, That such an Indictment was before him at *Hartford*, and that he quashed the same, and imprisoned the Promoters; by which threatening and reviling Speeches, unjust Actions and Declarations, he so terrified the Jurors in those Parts, that they durst not present any Innovations in the Church Matters, to their great Grief, and trouble of their Consciences.

And whereas several Indictments were preferred against *John Brook*, Parson of *Yarmouth*, by *John Ingram*, and *John Carter*, for refusing several Times to administer the Sacrament of the Lord's-Supper to them without any lawful Cause, at the Assizes held at *Norwich* in 1633. he the said *Sir Robert Berkley* then being one of the Judges of the Assize, proceeded then to the Tryal on the said Indictment, where the Matter in Issue being, That the said *Brook* refused to administer the said Sacrament, because the said *Ingram* and *Carter* would not receive Tickets with their *Sir-Names before their Christian-Names*; which was a Course never used amongst them, but by the said *Brook*. He the said *Sir Robert Berkley* did then much discourage the said *Ingram's* Council, and over-rule the Cause for Matter of Law, so as the Jury never went from the Bar, but there found for the said *Brook*. And the said *Sir Robert Berkley* bound the said *Ingram* to the Good-Behaviour for prosecuting the said Indictments; and



and ordered him to pay Costs to the said *Brook* for wrongfully indicting him. And whereas the said *Carter*, not expecting the Tryal at the same Assizes he preferred his Indictment, was then absent; whereupon the said Sir *Robert Berkley* did cause to be entred upon the said Indictment, a *Vacat quia non sufficiens in Lege*; and ordered an *Attachment* against the said *Carter*; which said Proceedings against the said *Ingram* and *Carter*, by the said Sir *Robert Berkley*, were contrary to Law and Justice, and to his own Knowledge.

16 Car.

X. That the said Sir *Robert Berkley*, being one of the Justices of the Court of *King's-Bench*, and duly sworn as aforesaid, in *Trinity-Term*, 1637, deferred to discharge or bail *Alexander Jennings*, Prisoner in the *Fleet*, brought by *Habeas Corpus* to the Bar of the said Court, the Return of his Commitment being, that he was committed by two several Warrants, from the Lords of the Council, dated the 5th of *November* 1636, the first being only read in Court, expressing no Cause; the other for not paying Messengers Fees; and until he should bring a Certificate, that he had paid his Assessment for Ship-Money in the County of *Bucks*; but remitted him. And in *Michaelmas-Term* after, the said *Jennings*, being brought by another *Habeas Corpus* before him as aforesaid, and the same returned; yet he the said Sir *Robert Berkley*, refused to discharge or bail him, but remitted him. And in *Easter-Term*, after several Rules were given for his Majesty's Council to shew Cause why the said *Jennings* should not be bailed; a fourth Rule was made for the said *Jennings*, to let his Majesty's Attorney-General have notice thereof; and notice was given accordingly; and the said *Jennings*, by another *Habeas Corpus*, brought to the Bar in *Trinity-Term* after, and the same Return, with this Addition of a new Commitment of the 4th of *May*, suggesting that he the said *Jennings*, had used divers scandalous Words in Derogation and Disparagement of his Majesty's Government: He the said *Jennings*, after several Rules in the End of the said *Trinity-Term*, was again remitted to Prison: And he the said Sir *Robert Berkley* did, on the 5th of *June* last, defer to grant his Majesty's Writs of *Habeas Corpus* for *William Pargiter* and *Samuel Danvers*, Esquires, Prisoners in the *Gate-House* and in the *Fleet*: And afterwards, having granted the said Writ of *Habeas Corpus*, the said *Pargiter* and *Danvers* were, on the 8th of *June* last, brought to the Bar of the said Court, where the Returns of their Commitments were several Warrants from the Lords of the Council, not expressing any Cause; yet he the said Sir *Robert Berkley*, then sitting in the said Court, deferred to bail the said *Pargiter* and *Danvers*, and the 18th of *June* last, made a Rule for a new Return to be received; which was returned the 25th of *June* last, in *hac verba*.

‘ **W** Hereas his Majesty finding that his Subjects of *Scotland*, have, in a rebellious and hostile Manner, assembled themselves together, and intend, not only to shake off their Obedience unto his Majesty, but also as Enemies to invade and infest this his Kingdom, to the Danger of his Royal Person, &c.

‘ For Prevention whereof his Majesty hath, by Advice of his Council-Board, given special Commandment to all the Lord-Lieutenants of all the Counties of this Realm, appointed for their Rendezvouz in their several and respective Counties, there to be conducted and drawn together into a Body for this Service. And whereas his Majesty, according to the Laws and Statutes of this Realm, and the constant Custom of his Predecessors, Kings and Queens of this Realm, hath Power for



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the Defence of this Kingdom, and resisting the Force of the Enemies thereof, to grant forth Commissions under his Great Seal, to such fit Persons as he shall make choice of to array and arm the Subjects of this Kingdom, and to compel those who are of able Body, and of able Estates, to arm themselves; and such as should not be able of Bodies, but of Ability of Estate, to assess them according to their Estates, to contribute towards the Charge of arraying and arming others, being able of Body, and not able in Estate to arm themselves. And such Persons as should be contrariant, to commit to Prison, there to remain until the King should take further Order therein.

And whereas the Earl of *Exeter*, by Virtue of his Majesty's Commission to him directed, for the arraying and arming of a certain Number of Persons in the County of *Northampton*, hath assess'd *William Pargiter*, being a Man unfit in Body for that Service, but being of Estate and Ability, fit to contribute, amongst others, to pay the Sum of five Shillings toward the arraying and arming of others of able Bodies, and wanting Ability to array and arm themselves.

And whereas we have received Information from the said Earl, that the said *William Pargiter*, hath not only in a wilful and disobedient Manner refused to pay the said Money assessed upon him towards so important a Service, to the Disturbance and Hindrance of the necessary Defence of this Kingdom, but also by his ill Example hath misled many others, and, as we have just Cause to believe, hath practised to seduce others from that ready Obedience which they owe, and would otherwise have yielded to his Majesty's just Command, for the public Defence of his Person and Kingdom, which we purpose with all convenient Speed to enquire further of and examine.

These are therefore to will and require you to take into your Custody the Persons of the said *William Pargiter*, and *Samuel Danvers*, and them safely to keep Prisoners till further Order from this Board, or until by due Course of Law they shall be delivered.

Yet he the said Sir *Robert Berkley*, being desired to bail the said *Pargiter* and *Danvers*, remitted them, where they remained Prisoners till the 9th of *November* last, or thereabouts; although the said *Jennings*, *Pargiter*, and *Danvers*, on all and every the said Returns, were clearly bailable by Law, and the Council of the said *Jennings*, *Pargiter*, and *Danvers*, offered in Court very sufficient Bail: And he the said Sir *Robert Berkley*, being one of the Justices of the Court of *King's-Bench*, denied to grant his Majesty's Writs of *Habeas Corpus* to very many others his Majesty's Subjects; and when he had granted the said Writs of *Habeas Corpus* to very many others his Majesty's Subjects, and on the Return no Cause appeared, or such only as was clearly bailable by Law; yet he remanded them, where they remained Prisoners very long: Which said deferring to grant the said Writs of *Habeas Corpus*, and Refusals and Delays to discharge Prisoners, or suffer them to be bailed, contained in this Article, are destructive to the Fundamental Laws of this Realm, and contrary to former Resolutions in Parliament, and to the Petition of Right, which said Resolutions and Petition of Right were well known to him the said Sir *Robert Berkley*, and were resolved on and enacted, when he was the King's Serjeant-at-Law, and Attendant in the Lords House in Parliament.

That whereas there was a Cause depending in the *Court-Christian* at *Norwich*, between *Samuel Booty*, Clerk, and *Collard*, for Two Shillings in the Pound, for Tythes, for Rents and Houses in *Norwich*; and the said *Collard* moved by his Council in the Court of *King's-Bench*, for a Prohibition to stay Proceedings in the *Court-Christian* at *Norwich*,  
and



and delivered into the said Court of *King's-Bench*, his *Suggestions*, that the said Cause in the said *Court-Christian*, was only for *Tythes*, for *Rents* of Houses in *Norwich*; which was determinable by the Common Law only; yet he the said Sir *Robert Berkley*, being one of the Justices of the said Court of *King's-Bench*, and sitting in the said Court, deferred to grant a Prohibition to the said *Court-Christian* in the said Cause, although the Council did move in the said Court many several Times, and several Terms, for a Prohibition: And he the said Sir *Robert Berkley* deferred to grant his Majesty's Writ of Prohibition to several other Courts, on the Motions of divers others of his Majesty's Subjects, where the same by the Laws of this Realm ought to have been granted, contrary to the Laws of this Realm and his own Knowledge.

16 Car.

All which Words, Opinions and Actions, were so spoken and done by him the said Sir *Robert Berkley*, traiterously and wickedly, to alienate the Hearts of his Majesty's Liege People from his Majesty, to set a Division betwixt them, and to subvert the Fundamental Laws and Established Government of his Majesty's Realm of *England*; for which they do impeach him the said Sir *Robert Berkley*, one of the Justices of the Court of *King's-Bench*, of High-Treason against our Sovereign Lord the King, his Crown and Dignity, and of the Misdemeanors above-mentioned.

And the said Comtnons, by Protestation, saving to themselves only the Liberties of exhibiting at any Time hereafter, any other Accusation or Impeachment against the said Sir *Robert Berkley*, and also of replying to the Answer, that he the said Sir *Robert Berkley* shall make to the said Articles, or any of them, or of offering Proof of the Premises, or any other Impeachments or Accusations that shall be exhibited by them, as the Case shall, according to the Course of Parliaments, require, do pray that the said Sir *Robert Berkley*, one of the Justices of the Court of *King's-Bench*, may be put to answer to all and every the Premises; and that such Proceedings, Examinations, Tryals, Judgments, and Executions, may be upon every of them had and used, as is agreeable to Law and Justice.

*Which Articles being read, Mr. Pierpoint proceeded as followeth:*

*My Lords,*

THE High-Treason is in the first Article, in his Endeavours to subvert the Fundamental Laws of this Realm, and to introduce an Arbitrary and Tyrannical Government, which have been lately adjudged Treason, in the Cause of the Earl of *Strafford*.

The other Articles prove the first, by his Opinions, Certificates, Judgments, by his Denials of the Benefits of our Laws, which have been read to your Lordships. No Fundamental Law to the Subject is left, our Goods, our Lands, our Bodies, the Peace of a good Conscience, are by him given up to Arbitrary, Tyrannical Government.

Nothing hath been omitted to make a Judge know the Laws, to make him Just, or scare him from being Evil: We have *Inns-of-Court* for that peculiar Study; Judges from thence only chosen; seldom any but what have been twenty Years there; Honours and Revenues are given to Judges, Encouragements to do well; this Judge hath these: Judges are *sworn* according to Law to serve the King and his People; according to Law to counsel the King; and for not doing so, to be at his Will for Body, Lands, and Goods: This Judge took that Oath. The Law which the Judges study, imposes the greatest Punishments on unjust Judges, and shews that these Punishments have been inflicted. More could not be done to perswade or awe a Judge.

His Offences shew in him great Ambition; yet he was most *timorous* of displeasing the Great in Power: He did not forbear doing what he was sworn to do, but was most active against our Laws, and in opposing and punishing any that did maintain them.

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To have only received *Bribes* (though they blind the Eyes, and though the Desire to get Money encreaseth with Age) that heinous Crime in a Judge had been, in Comparison with his Offences, as a tolerable Vice; for from such a Judge, *Justice is also to be had for Money*. Ambition is violent, and ruins, whilst Covetousness is making a Bargain.

The Words of his Opinions and Judgments, are for the *King's Power*. It is pleasing to the Nature of Man, that others should obey his Will; and well framed Dispositions of Princes, may easily be perswaded their Power is unlimited, when they are also put in mind, that therefore they have more Cause to do well, and for doing well are more renowned; for the most oppressive Designs, (which we have suffered under) the Pretences to his Majesty have ever been the Good of his Subjects: His is the *Sin*, that is to judge by the Laws, and knows the Laws are to the contrary, yet puts and confirms such Thoughts in his Prince.

He that incites another to Arbitrary Government, when his Self-ends are thereby compassed, hates him for taking that Power he perswaded him unto.

The *Writs*, those Monsters of Necessity to provide Ships to prevent imminent Dangers, that could not stay *Forty Days* for the calling of a Parliament, were therefore to go out in *September*, to have Ships ready in *March*. This hath been adjudged by your Lordships to be destructive to the Fundamental Laws of this Realm, and to the Subjects Right of Property and Liberty, &c. That I shall say but this concerning them, that this Judge published them to be inseparable Flowers of the Crown: And that we have lived to see, for Five Years together, *Imminent Danger*, and thus to be prevented.

This Judge did advise to such a Government, as future Kings here might exercise the highest Tyrannies, and the Subjects want the Benefit of Restraints, known to the most slavish Eastern Nations; where, if their Prince does unjustly, he hath Hatred for it, and the Dangers that follow that. This Judge will have that Hatred to go to our good Laws. No such Bondage, as when *Laws of Freedom* are misinterpreted by Judges to make Men Slaves.

What can be considered of in a Judge of Law to give his Opinion and Advice to his Prince, how the Laws, the mutual Covenants of Kings and Subjects are to be broken; but that his Intentions are to have his Prince *do ill*, by making his Evil Servants to study, and to be pleased with their wicked Designs: because they see no Means to put them in Execution, by making them to perswade their Prince, because in imminent Danger his Subjects Goods are *at his Will*, that there is such Danger, when there is not; and they only have some By-end of their own.

A Judge to deliver his Opinion. That if the King should intend to give up his People to be destroyed by Foreign Forces, for the Safety of the People in that Imminent Danger, one, by the Law, might take away the King; there could be no greater Offence.

This Judge will have our Law to be what to him seems Reason; the Reason limited to him to judge of, is what the Common Law saith is so, what a Statute hath so enacted, for him to judge this or that is Law, else a Mischief shall follow; but because the Law in such a Thing is imperfect, therefore he will make a Law to supply it; or because the Law written in such Particulars is against his Reason, therefore his Reasons to be Laws; then must follow as often as a Judge's Reason changes, or Judges change, our Laws change also.

Our Liberties are in our Laws, where a Subject may read, or hear read, this is *his*, this he *may do* and be safe; and thus the Judge ought to give Judgment, he is free. The excessive Growth of the Courts of Reason and Conscience, came from great and cunning Persons, and though not the most sudden, yet the most dangerous and sure Ways to eat out our Laws, our Liberties.

Unlimited Power must be in some, to make and repeal Laws to fit the Dispositions of Times and Persons. Nature placeth this in common Consent only, and where all cannot conveniently meet, instructeth them to give their Consents to some they know or believe so well of as to be bound to what they agree on. His Majesty, your Lordships, and the Commons, are thus met in Parliament, and so long as we are often reduced to this main Foundation, our King and we shall prosper.



This Judge will not allow us our Knowledge, or any Reason: He will have our Minds, our Souls Slaves: A Grand-Jury-Man gave his Fellows true Information, they present an *Innovation* in the Church, and are threatned and reviled for it; he that told this Truth is charged (I shall use this Judge's own Words) to *sin* in that, and that he made others forswear themselves; this Judge sent him to the Common Goal, where he is laid in *Irons*; and all this, because he and they durst meddle with *Church-Matters*; he is forced to *tear* the Presentment in Pieces in open Court. Our Laws provide for the Peace of our Consciences, many Acts of Parliament there are for it, and the Trust by those Acts set to Juries: This Judge knew well all this; your Lordships have heard what he did to the Jury at *Hertford*: He would have us know no more Divinity, than to obey what the *Great Men* of the Clergy directed; no more *Law* than what he said was so.

Judges in former Times, (but only such as were Examples of Punishment, as well as of Injustice) in Cases of great and publick Concernment, used to forbear Proceedings, till the next Parliament. This necessitated the calling of Parliaments; this Judge had as many such Causes before him, as ever any had; yet he never desired the Resolution of Parliament in any one; for the Ways he went, the Necessity, was never to have a Parliament; he would pull up that Root of our Safeties and Liberties, which whilst we enjoy, the Malice or Injustice of all other Courts and Persons can never ruin us, (as most near of late) this only sure Remedy will help us, nothing can ruin a *Parliament* but it self.

The Evils which we have suffered under, they were committed by the Judges, or by them ought to have been, and might have been prevented.

This Judge assisted in causing the Miseries we suffered in the Star-Chamber, and at the Council-Table, he denied the known Rights which he ought to have granted us to stop our Grievances in the Ecclesiastical Courts: He was the Caufer of our Sufferings in other Courts.

The best Lovers of their Laws and Liberties; the most honest suffer most by an unjust Judge; they most oppose his Vices: Dishonest Persons find such a Judge to fit their Purposes, the Judge finds them for his, the Bond of Iniquity confederates them.

He that will do no Wrong, will suffer none which he can help: The Man that knows himself to be born free, will do his utmost to live so, and to leave Freedom to his Posterity; were he in Slavery, when by outward Gesture thought to be most delighted, were his Mind then known, there would be found Vexation, and his busie Thoughts employed to redeem himself and Posterity from Thralldom. But to say, Could this Judge intend to make himself and his own Posterity *Slaves*? What he did was through Error of Judgment only: No, *my Lords*, what his Aims and Endeavours were, is apparent. To consider Man in the General, we shall find in every Age, he will be a *Slave to some few*, that many may be Slaves to him, he looks to himself only; this he would do or forbear doing, to be Great, or to be Rich, had he Children, or Kindred, or had he none. This highly unjust Judge, by continuing Sins, maintained his Actions to preserve himself; he knows should he be found guilty in one of his Offences, the Penalty of the Law for it, therefore covers the Offences committed with inventing and acting others.

For a Judge to be unjust, more hurts the Publick than any other: He is not suspected. What a Judge doth is looked on as a Thing that might, that ought to be done. The most pernicious Great Man, that by Cunning hath got to himself the Heart and Tongue of his Prince, his ill Acts have died with him, if not taken up by others, and then they walk in Darkness; no Man will justifie what he doth, by saying such a *Favourite* did it: But the unjust Judgments of this Judge were given in the Noon Day, were done in the Face of the whole Kingdom, in the hearing of such as might carry the News to all Parts of the Realm, and was therefore done: His unjust Judgments were our *Records*. We have seen wicked Great Men most craftily Politick, they hated our Laws, yet not meeting with active Judges, moulded to their Purposes, they and their Acts have died, the Realm flourished; but of late, others less Politick, meeting with most unjust Judges, every way as ill as they could wish them to be; then did the Kingdom faint under the Load of its Misery, did long struggle; now it's rising I assure my self your Lordships will assist to take off the Burden.



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If the Designs of some would not have such a Man at Liberty, a Warrant from some Lords of the Council, would soon have laid him in Prison, and given no Cause: Had he moved this Judge to be discharged or bailed, he could have obtained neither: If their Ways would not have endured that Man to live, a Judge reviling the Prisoner, and his Council that moved for his Discharge, or Bail, joined with the Hate of some Great Men, might soon have moved a Gaoler for unwholsome Rooms, and Lodging, and ill Diet for his Prisoner, and they may soon take Life away.

Offenders in Prisons are looked after to *be safe*; only such as are brought in by Power against Law, are abused. Had a Great Man desired the Estates of others, the Breach of a Proclamation might readily have been charged against them in the Star-Chamber: But they, it may be, could have answered and cleared themselves, and proved their Answers by Testimonies; had they been referred to this Judge, he would have expunged the one, suppressed the other: Then followed Fines to the value of their Estates, or more; then Imprisonments of Course till they paid such Fines; your Lordships have heard what this Judge did to the Soap-boilers.

The Countryman followed the Plough, and his thinking he was assured of his Right of Property and Liberty, gave him Ability to do it: He believed his Neighbour, his Landlord, his King, could not take his Goods from him without his Consent. He knew the usual Payments by Law, and in extraordinary Causes thought to have that Care to choose such for his Knights of his Shire, or for his Burgeses, as might be mindful of the Cause of Payment, and of his Estate.

This Man hath heard the Opinions and Judgments of this Judge, hath seen his Goods taken from him, without his or his Knights of the Shire or Burgeses Consent or Advice. These have made him, his Wife and Children to join in Tears, to wish they had never been born; they have made them think on many Ways to keep safe that Estate which was yet left them, have made them desire to sell all their Goods, and hide the Money: But then he remembers this Judge, how he shall be carried to Prison, and remain there if he pay not what it pleases others to assess him. Then they think idle Persons (the Drones and Moths of the Commonwealth) to be a wise People, whom they formerly conceited to be unworthy to Live. They expect, and can think of nothing but to be *Beggars*.

Where publick and enormous Offences have been committed, eminent and notorious Punishments must be, such will make your Lordships Proceedings highly esteemed, else there will be so many Offenders, as none without Danger can be punished.

This Judge, subverting our Laws, took away the Hearts of many; he subscribed for the King's Power, but so as he put him on taking his Subjects Goods; and of all other, such Ways be most dangerous; for we know his Majesty is not the last that suffers; and is not the King worth many Thousands?

The Place of this Judge was, to have given and preserved to the King the Hearts of his Subjects; the due Execution of the Laws had done this; and when such notice is taken of a Prince, none will conspire against him, who cannot feign to themselves Safety before or after any Fact committed; Foreign Enemies will not invade his Kingdoms.

Thus has his Majesty now gotten our Hearts, and will for ever have them. This Judge is to answer for what his Majesty, and for what we have suffered.

I am, by Command of the House of Commons, to desire of your Lordships, that the Proceedings against Sir Robert Berkley, Knight, one of the Justices of his Majesty's Court of *King's-Bench*, may be put in as speedy a Way of Trial, as the Course of Parliament will allow.



*Mr. Waller's Speech in Parliament at a Conference of both Houses in the Painted-Chamber, upon delivering the Impeachment against Mr. Justice Crawley.*

My Lords,

I Am commanded by the House of Commons, to present you with these Articles against Mr Justice *Crawley*; which when your Lordships shall have been pleased to hear read, I shall take leave, according to Custom, to say something of what I have collected from the Sense of that House, concerning the Crimes therein contained.

Mr Waller's  
Speech a-  
gainst Judge  
*Crawley*.

*Articles of the House of Commons, in the Name of themselves, and of all the Commons of England, against Sir Francis Crawley, Knight, one of the Justices of his Majesty's Court of Common-Pleas, impeaching him as followeth:*

I. **T**Hat he, about the Month of November, Anno Domini 1635; then being one of the Justices of the Court of Common-Pleas, and having taken an Oath for the due Administration of Justice to his Majesty's Liege People, according to the Laws and Statutes of this Realm, subscribed an Opinion, *in hæc verba*. [*I am of Opinion, &c. as above-mentioned.*]

Articles a-  
gainst Judge  
*Crawley*.

II. That he, in or about the Month of February, Anno Domini 1636; then being one of the Justices of the said Court of Common-Pleas, subscribed an extrajudicial Opinion, in Answer to Questions in a Letter from his Majesty, *in hæc verba*. [*As before in Berkley's Charge.*]

III. That he being then one of the Justices of the said Court of Common-Pleas, delivered an Opinion in the Exchequer-Chamber against *John Hampden*, Esq; in the Case of Ship-Money, that he the said *John Hampden* upon the matter and substance of the Case, was chargeable with the Money then in question, a Copy of which Proceedings and Judgment, the Commons of this present Parliament have already delivered to your Lordships.

IV. That he being then one of the Justices of the said Court of Common-Pleas, declared and published in the Exchequer-Chamber, and the Western Circuit where he went Judge, That the King's Right to Ship-Money was so inherent a Right in the Crown, as an *Act of Parliament* could not take it away: And with divers malicious Speeches inveighed against, threatened and discountenanced such as refused to pay Ship-Money. All which Opinions and Judgments, contained in the first, second, and third Articles, are destructive to the Fundamental Laws of this Realm, the Subjects Right of Property, and contrary to former Resolutions in Parliament, and to the Petition of Right; which said Resolutions and Petition of Right were well known to him.

And the said Commons by Protestation, saving to themselves only the Liberties of exhibiting at any time hereafter, any other Accusation or Impeachment against the said Sir Francis *Crawley*, and also of replying to the Answer that he the said Sir Francis *Crawley* shall make unto the said Articles, or any of them, or of offering Proof of the Premises, or of any other of their Impeachments or Accusations that shall be exhibited by them, as the Case shall (according to the course of Parliaments) require, do pray that the said Sir Francis *Crawley*, one of the Justices



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The Remainder of Mr. Waller's Speech.

of the said Court of Common-Pleas, may be put to answer to all and every the Premises; and that such Proceedings, Examinations, Tryals, and Judgments, may be upon every one of them had and used, as is agreeable to Law and Justice.

Then Mr. Waller went on thus:

My Lords,

Not only my Wants, but my Affections render me less fit for this Employment: For though it has not been my Happiness to have the Law a part of my Breeding, there is no Man honours that Profession more, nor has a greater Reverence towards the grave Judges, the Oracles thereof: out of Parliament all our Courts of Justice are governed or directed by them; and when a Parliament is called, if your Lordships were not assisted by them, and the House of Commons by other Gentlemen of that Robe, Experience tells us, it might run a hazard of being stiled *Parliamentum Indoctorum*. But as all Professions are obnoxious to the Malice of the Professors, and by them most easily betrayed; so, My Lords, these Articles have told you how these *Brothers of the Coif* are become *Fratres in malo*; how these Sons of the Law have torn out the Bowels of their Mother: But this Judge (whose Charge you last heard) in one Expression of his, excels no less his Fellows, than they have done the worst of their Predecessors, in this Conspiracy against the Commonwealth.

Of the Judgment for Ship-Money, and those extrajudicial Opinions preceding the same (wherein they are jointly concerned) you have already heard; how unjust and pernicious a Proceeding that was in so publick a Cause has been sufficiently expressed to your Lordships: But this Man, adding Despair to our Misery, tells us from the Bench, *That Ship-Money was a Right so inherent in the Crown, that it would not be in the Power of an Act of Parliament to take it away*. Herein, my Lords, he did not only give as deep a Wound to the Commonwealth as any of the rest, but dipped his Dart in such a Poison, that so far as in him lay, it might never receive a Cure. As by those abortive Opinions subscribing to the Subversion of our Property, before he heard what could be said for it, he prevented his own; so by this Declaration of his, he endeavours to prevent the Judgment of your Lordships too, and to confine the Power of a Parliament, the only place where this Mischief might be redress'd. Sure he is more wise and learned, than to believe himself in this Opinion, or not to know how ridiculous it would appear to a Parliament, and how dangerous to himself; and therefore no doubt, but by saying no Parliament could abolish this Judgment, his meaning was, that this Judgment had abolished Parliaments.

This Imposition of Ship-Money, springing from a pretended Necessity, was it not enough that it was now grown *Annual*, but he must entail it upon the State for ever, at once making Necessity inherent to the Crown, and Slavery to the Subject? Necessity, which dissolving all Law, is so much more prejudicial to His Majesty than to any of us, by how much the Law has invested his Royal State with a greater Power and ampler Fortune; for so undoubted a Truth it has ever been, that Kings as well as Subjects are involved in the Confusion which Necessity produces, that the Heathens thought their Gods also obliged by the same; *Pareamus necessitati quam nec homines, nec dii superant*: This Judge then having in his Charge at the Assize, declared the *Dissolution of the Law*, by this supposed Necessity, with what Conscience could he at the same Assize proceed to condemn and punish Men; unless perhaps he meant, the Law was still in force for our Destruction, and not for our Preservation; that it should have Power to kill, but none to protect us; a thing no less horrid, than if the Sun should burn without lighting us; or the Earth serve only to bury, and not to feed and nourish us. But, my Lords, to demonstrate that this was a suppositious and imposed Necessity, and such as they could have removed when they pleased; at the last Convention in Parliament, a Price was set upon it, *For twelve Subsidies you shall reverse this Sentence*: It may be said that so much Money would have removed the present Necessity; but here was a Rate set upon future Necessity, *For twelve Subsidies you shall never suffer Necessity again; you shall for ever abolish that Judgment*: Here this Mystery is revealed, this Vizor of



of Necessity is pull'd off; and now it appears, that this *Parliament of Judges* had very frankly and bountifully presented his Majesty with *Twelve Subsidies* to be levied on your Lordships and the Commons: Certainly there is no Privilege which more properly belongs to a Parliament, than to open the Purse of the Subject: And yet these Judges, who are neither capable of sitting among us in the House of Commons, nor with your Lordships, otherwise than as your Assistants, have not only assumed to themselves this Privilege of Parliament, but presumed at once to make a Present to the Crown of all that either your Lordships or the Commons of *England* do, or shall hereafter possess.

16 Car.

And because this Man has had the boldness to put the Power of Parliament in balance with the Opinion of the Judges, I shall entreat your Lordships to observe, by way of Comparison, the solemn and safe Proceeding of the one, with the precipitate Dispatch of the other. In Parliament (as your Lordships know well) no new Law can pass, or old be abrogated, till it has been *thrice read* with your Lordships, *thrice* in the Commons House, and then it receives the Royal Assent: So that it is like Gold *seven times* purified: whereas these Judges by this one Resolution of theirs, would persuade his Majesty, that by naming *Necessity*, he might at once dissolve (at least suspend) the *Great Charter*, (two and thirty times confirm'd by his Royal Progenitors) the *Petition of Right*, and all other Laws, provided for the Maintenance of the Right and Propriety of the Subject: A strange force, *my Lords*, in the sound of this Word *Necessity*! that, like a Charm, it should silence the Laws, while we are despoiled of all we have; for that but a part of our Goods was taken, is owing to the Grace and Goodness of the King; for so much as concerns these Judges, we have no more left, than they perhaps may deserve to have, when your Lordships shall have passed Judgment upon them. This for the neglect of their Oaths, and betraying that publick Trust, which for the Conservation of our Laws was reposed in them.

Now for the Cruelty and Unmercifulness of this Judgment, you may please to remember that in the old Law, they were forbid to *see the a Kid in his Mother's Milk*; of which the received Interpretation is, That we should not use that to the *Destruction of any Creature which was intended for its Preservation*: Now, *my Lords*, God and Nature has given us the Sea as our best Guard against our Enemies, and our Ships are as our greatest Glory above other Nations; and how barbarously would these Men have let in the Sea upon us, at once to wash away our Liberties, and to over-whelm, if not our Land, yet, at least, all the Propriety we have therein; making the Supply of our Navy, a pretence for the Ruine of our Nation? For observe, I beseech you, the Fruit and Consequence of this Judgment, how this Money has prosper'd, how contrary an Effect it has had to the End for which they pretended to take it: On every County a Ship is annually imposed; and who would not expect, but our Seas by this time should be covered with the Number of our Ships? Alas! *my Lords*, the daily Complaints of the decay of our Navy, tell us how ill Ship-Money has maintain'd the *Sovereignty of the Sea*; and by the many Petitions which we receive from the Wives of those miserable Captives at *Algier* (being between Four and Five thousand of our Country-men) it does too evidently appear, That to make us Slaves at home, is not the way to keep us from being made Slaves abroad; so far has this Judgment been from relieving the present, or preventing the future Necessity; that as it changed our real Propriety into the Shadow of a Propriety; so of a feigned, it has made a real Necessity.

A little before the approach of the *Gauls* to *Rome*, while the *Romans* had no apprehension of that Danger, there was heard a Voice in the Air, louder than ordinary, *The Gauls are come*. Which Voice, after they had sack'd the City and besieged the Capitol, was held so Ominous, that *Livy* relates it as a Prodigy. This Anticipation of Necessity seems to have been no less Ominous to us; these Judges, like ill-boding Birds, have call'd Necessity upon the State, in a time when, I dare say, they thought themselves in greatest Security: but if it seems Superstitious to take this as an Omen, sure I am, we may look on it as a Cause of the unfeigned Necessity we now suffer: For what Regret and Discontent had this Judgment bred among us? And as when the Noise and Tumult in a private House grows so loud, as to be heard into the Streets, it calls in the next Dwellers, either kindly to appease, or to make their own use of the Domestick Strife; so, in all likelihood, our known Discontents at



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home have been a concurrent Cause to invite our Neighbours to visit us, so much to the Expence and Trouble of both these Kingdoms.

And here, my Lords, I cannot but take notice of the most sad Effect of this Oppression, the ill Influence it has had upon the ancient Reputation and Valour of the *English* Nation. No wonder, if it be true, that Oppression makes a wise Man mad, it may well suspend the Courage of the Valiant. The same happened to the *Romans*, when for Renown in Arms they most excell'd the rest of the World; the Story is but short: 'Twas in the Times of the *Decem-viri*; (and I think the chief Troublers of our State may make up that Number.) The *Decem-viri* had subverted the Laws, suspended the Court of Justice; and (which was the greatest Grievance both to the Nobility and People) had for some Years omitted to assemble the Senate, which was their Parliament: This, says the Historian, did not only deject the *Romans*, and make them despair of their Liberty, but caused them to be less valued by their Neighbours: The *Sabines* take the Advantage and invade them, and now the *Decem-viri* are forc'd to call the long desired Senate; whereof the People were so glad, that *Hostibus Belloque gratiam habuerunt*. This Assembly breaks up in Discontent; nevertheless the War proceeds; Forces are raised, led by some of the *Decem-viri*, and with the *Sabines* they meet in the Field. I know your Lordships expect the Event: My Author's Words of his Country-men, are these, *Ne quid ductu aut auspicio Decem-virorum prospere gereretur, vinci se patiebantur*. They chose rather to suffer a present Diminution of their Honour, than by Victory to confirm the Tyranny of their new Masters: At their Return from this unfortunate Expedition, after some Distempers and Expostulations of the People, another Senate, that is, a Second Parliament is call'd, and there the *Decem-viri* are questioned, deprived of their Authority, imprison'd, banish'd, and some lose their Lives; and soon after this Vindication of their Liberties, the *Romans*, by their better Success, made it appear to the World, *That Liberty and Courage dwell always in the same Breast*, and are never to be divorced.

No doubt, my Lord, but your Justice shall have the like Effect upon this dispirited People: 'Tis not the Restitution of our ancient Laws alone, but the Restoration of our ancient Courage, which is expected from your Lordships. I need not say, to move your just Indignation, that this Man should so cheaply give away that which your noble Ancestors, with so much Courage and Industry, had so long maintained; you have often been told how careful they were, though with the Hazard of their Lives and Fortunes, to derive those Rights and Liberties as entire to Posterity, as they received them from their Fathers; what they did with Labour, you may do with Ease; what they did with Danger, you may do securely; the Foundation of our Laws is not shaken with the Engine of War, they are only blasted with the Breath of these Men, and by your Breath may be restored.

What Judgments your Predecessors have given, and what Punishments their Predecessors have suffered for Offences of this Nature, your Lordships have already been so well informed, that I shall not trouble you with a Repetition of those Precedents. Only, my Lords, something I shall take leave to observe of the Person with whose Charge I have presented you, that you may the less doubt of the wilfulness of his Offence.

His Education in the Inns of Court, his constant Practice as a Counsellor, and his Experience as a Judge (considered with the Mischief he has done) makes it appear that this Progress of his through the Law, has been like that of a diligent *Spie* through a Country, into which he meant to conduct an Enemy.

To let you see he did not offend for Company, there is one Crime so peculiar to himself, and of such Malignity, that it makes him at once incapable of your Lordship's Favour, and his own Subsistence; incompatible with the Right and Propriety of the Subject: For if you leave him in a Capacity of interpreting the Laws, he has not already declared his Opinion, That your Votes and Resolutions against Ship-Money are void, and that it is not in the Power of a Parliament to abolish that Judgment.

To him, My Lords, that has thus plaid with the Power of Parliament, we may well apply what was once said to the Goat browsing upon the Vine.



*Rode, caper, vitem, tamen hinc cum stabis ad aras  
In tua quod fundi cornua possit, erit.*

16 Car.

He had cropt and infring'd the Priviledges of a banished Parliament; but now it is returned, he may find it has Power enough to make a Sacrifice of him, to the better Establishment of our Laws; and in Truth what other Satisfaction can he make his injur'd Country, than to confirm by his *Example* those Rights and Liberties which he had ruin'd by his *Opinion*?

For the Proofs, *my Lords*, they are so manifest, that they will give you little trouble in the Disquisition: His Crimes are already upon *Record*, the *Delinquent* and the *Witness* is the same; having from several Seats of Judicature proclaim'd himself an Enemy to our Laws and Nation: *Ex ore suo judicabitur*. To which Purpose, I am commanded by the Knights, Citizens, and Burgeses of the House of Commons, to desire your Lordships, that as speedy a Proceeding may be had against Mr. Justice *Crawley*, as the Course of Parliaments will permit.

*Mr. Edward Hide's Speech, July 6. 1641, at the Impeachment of Three of the Barons of the Exchequer.*

*My Lords,*

There cannot be a greater Instance of a sick and languishing Common-wealth, than the Business of this Day: Good God! how have the *Guilty* these late Years been punished, when the *Judges* themselves have been such *Delinquents*! 'Tis no Marvel, that an irregular, extravagant, arbitrary Power, like a Torrent, hath broke in upon us, when our *Banks* and our *Bulwarks*, the *Laws*, were in the Custody of such Persons. Men who had lost their *Innocence*, could not preserve their *Courage*; nor could we look that they who had so visibly undone us, themselves should have the Vertue or Credit to rescue us from the Oppression of other Men: 'Twas once said by one, who always spoke excellently, *That the Twelve Judges were like the Twelve Lyons under the Throne of Solomon*; under the Throne! in Obedience! but yet *Lyons*. Your Lordships shall this Day hear of *Six*, who (be they what they will be else) were no *Lyons*; who, upon vulgar Fears, delivered up the precious Forts they were trusted with, almost without Assault, and in a tame and easie Trance of Plattery and Servitude, lost and forfeited (shamefully forfeited) that Reputation, Awe and Reverence, which the Wisdom, Courage and Gravity of their venerable Predecessors had contracted and fastned to the Places they now hold; and even rendred that Study and Profession which in all Ages hath been, and I hope now shall be of an honourable Estimation, so contemptible and vile, that had not this blessed Day come, all Men would have had that Quarrel to the Law it self, which *Marinus* had to the Greek Tongue, who thought it a Mockery to learn that Language, the Masters whereof lived in *Bondage* under others: And I appeal to these unhappy Gentlemen themselves, with what a strange Negligence, Scorn, and Indignation, the Faces of all Men, even of the meanest, have been directed towards them, since (to call it no worse) that fatal Declension of their Understandings in those Judgments, of which they stand here charged before your Lordships. But, *my Lords*, the Work of this Day is the greatest Instance of a growing and thriving Common-wealth too; and is as the dawning of a fair and lasting Day of Happiness to this Kingdom; 'tis in your Lordships Power (and I am sure 'tis in your Lordships Will) to restore the dejected broken People of this Island, to their former Joy and Security; the Successors of these Men to their old Privilege and Veneration, & *sepultas prope leges revocare*.

*My Lords*, The iniquity of Judges is Infectious, and their craftiest Combination to leave as few Innocent as may be: Your Lordships have heard of the Justice of Two of the greatest Courts of *Westminster*; and that you may know how little Advantage, the other of his Majesty's Revenue, the Court of *Exchequer*, hath of his Fellows in the Administration of Right, I am commanded by the House of Commons, to present to your Lordships, three several Charges against three Judges of that Court, my Lord Chief Baron *Davenport*, Mr. Baron *Trevor*, and Mr. Baron *Weston*. May it therefore please your Lordships to hear them read.

*Articles.*

Mr. Ed. Hide's  
Speech a-  
gainst the L.  
Chief Baron  
*Davenport*,  
Baron *Weston*,  
and Baron  
*Trevor*, July 6.  
1641.



An. 1641.

*Articles of the House of Commons, in the Name of themselves and of all the Commons of England; against Sir Humphrey Davenport, Knight, Lord Chief Baron of his Majesty's Court of Exchequer, impeaching him as followeth:*

The Charge  
against Sir H.  
Davenport.  
Lord Chief  
Baron.

I. **T**HAT whereas in the Month of *October*, in the fourth Year of his Majesty's Reign, the Farmers and Officers of the Custom-House, having seized great Quantities of Currants, being the Goods of *Samuel Vassall*, Merchant; and having conveyed them into certain Store-houses at the Custom-house, and detained them, because the said *Sam. Vassall* refused to pay an Imposition of Five Shillings Six pence, upon every Hundred Weight of the said Currants, pretended to be due upon, and demanded by the said Farmers and Officers, on his Majesty's behalf, for the said Currants; whereas no such Imposition was due or payable for the same; but the said Imposition was, and is against the Laws of this Realm.

And whereas also in *Michaelmas* Term, in the said Fourth Year of his Majesty's Reign, his Majesty's then Attorney-General, exhibited an Information by *English* Bill in the *Exchequer* against the said *Samuel Vassall*, setting forth, That King *James*, by his Letters Patents, dated *tertio Novemb.* in the Second Year of his Reign, did command the said Imposition of Five Shillings Six Pence, upon every Hundred Weight of Currants, should be demanded and received.

And that his Majesty that now is, by his Letters Patents, dated the Six and twentieth day of *July*, in the Second Year of his Reign, did, by Advice of his Privy-Council, declare his Will and Pleasure to be, That Subsidies, Customs and Impost should be levied in such manner as they were in the time of King *James*, and the same, and the Farms thereof to continue until it might receive a settling by Parliament, and commanding the levying and receiving the same accordingly; and that the said *Sam. Vassall* before the said first day of *October*, then last before the said Information exhibited, did bring into the Port of *London* in Ships, Four thousand six hundred thirty eight hundred Weight of Currants, *Richard Carmarthen*, Surveyor in the said Port of *London*, the said first day of *October*, demanded of the said *Samuel Vassall*, the said Imposition of Five Shillings Six Pence for every hundred Weight of the said Currants; and that the said *Samuel Vassall* refused to pay the said Imposition, and unjustly detained it from the King. To which Information the said *Samuel Vassall* appeared, and pleaded the Statute of *Magna Charta*, and the Statute *De Tallagio non concedendo*, and that he was a Subject born under the King's Allegiance, and a Merchant of *London* using that Trade; and that the said Sum of Five Shillings six Pence upon every Hundred Weight of Currants, was and is *malum Toletum*; and not *Antiqua seu Regia Consuetudo*, and that it was imposed without Assent of Parliament. To which Plea Mr. Attorney-General demurred in Law, and the said *Samuel Vassall* joined in Demurrer with him: and when the said Cause came to be argued, *viz.* in *Trinity* Term, in the Sixth Year of his Majesty's Reign, the said Sir *Humphrey Davenport*, being then Lord Chief Baron of his Majesty's said Court of Exchequer, did, contrary to his Oath, and contrary to the Laws of this Realm, and to the great impoverishment of the said *Samuel Vassall*, publickly refuse to hear the Counsel of the said *Samuel Vassall* to argue for him, and said, That the Case of the



said *Samuel Vassall* would fall under the same Rule, with the Case of one *Bates*, and therefore was already judged : and the Counsel of the said *Samuel Vassall* answering, that they had nothing to do with *Bates* his Case, but desired to argue for Mr. *Vassall*, the said Sir *Humphrey Davenport*, replied, That they knew the Opinion of the Court, and should be heard no further, and said, *That the King was in Possession*, and that they (meaning the said Court of Exchequer) would keep him in Possession : And the said Sir *Humphrey Davenport*, shortly after, did, together with the rest of the Barons of the said Court of Exchequer, imprison the said *Samuel Vassall* for not paying such Sums of Money as were pretended by the said Officers of the Custom-House, to be due to his Majesty ; and did delay the said *Samuel Vassall* from time to time from having restitution of his said Goods, being often in Court moved thereto, with Intention to force the said *Samuel Vassall* to pay the said unlawful Imposition, and did also give his Opinion and Judgment upon the said Information for the King, and against the said *Samuel Vassall*, and by several Orders for that purpose made, did continue the Possession of the said Goods in the King ; and the said *Samuel Vassall*, could never obtain any Restitution at all of his said Goods.

II. That whereas it was commanded to the Sheriff of the County of *York*, by Writ under the Seal of his Majesty's Court of Exchequer, dated *May 16.* in the Seventh Year of his Majesty's Reign, that now is, that he should distrain *James Maleverer*, Esq; to appear before the Barons of his Majesty's said Court of Exchequer, in the *Octaves* of the Holy Trinity then next following, to make Fine to the King for his Trespas and Contempt in not coming to the presence of the King before the One and thirtieth day of *January*, in the First Year of his said Majesty's Reign, to take upon him the Order of Knighthood, according to the Form of a Proclamation in that behalf formerly made : at which day of the said *Octaves* of the Holy Trinity, the said *James Maleverer* did appear, and pleaded to the said Writ; That although his said Majesty, the said One and thirtieth day of *January*, and for three Days next before the said One and thirtieth day of *January*, was resident and remaining at his Palace at *Whitehall*, in the County of *Middlesex* ; and that the said *James Maleverer*, the said One and thirtieth day of *January*, and three Days next before the said One and thirtieth day of *January*, was resident and remaining at *Ancliffe* in the said County of *York*, which is distant from the said Palace of *Whitehall* the space of One hundred and four-score Miles ; and that the said *James Maleverer*, the said One and thirtieth day of *January* aforesaid, or at any time before, had no Lands, nor Rents in his own Hands, or in the Hands of Feoffees, to his Use, out of the said County of *York*, and that that part of the said County of *York*, which is nearest to the said Palace of *Whitehall*, is distant from the said Palace of *Whitehall*, the space of One hundred and thirty Miles ; and that no Proclamation, by virtue of any Writ of Proclamation, for the Appearance of any Persons whatsoever, to take the said Order of Knighthood, was made in any part of the said County of *York*, before the Thirtieth of *January*, in the said First Year of his Majesty's Reign ; by reason whereof the said *James Maleverer* could not personally come to the presence of his said Majesty, to take the said Order of Knighthood, before the said One and thirtieth day of *January*, in the said First Year of his Majesty's said Reign ; yet the said *James Maleverer*, for his Fine in the Premises, did humbly submit himself to the said Court, and demanded to be discharged of the said Issues, returned and imposed upon him by reason of the Premises : Yet notwithstanding the said Plea, and Submission of the said

*James*



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*James Maleverer*; and after the same was made as aforesaid, and entred upon Record in his Majesty's said Court of Exchequer, and the said Court moved for stay of the Process, and discharge of the Issues; the said *Sir Humphrey Davenport* being then Lord Chief Baron of the said Court of Exchequer, contrary to his Oath, and contrary to the Laws of this Realm, and to the great impoverishing of the said *James Maleverer*, did, together with the rest of the then Barons of the said Court, refuse to impose any Fine whatsoever upon the said *James Maleverer*, and told him that the said Court had no Power to fine him, and that he must compound with certain Commissioners for that purpose appointed. And did farther order and direct several other Writs of *Distringas*, to issue forth of his Majesty's said Court of Exchequer, under the Seal of the said Court, directed to the several High Sheriffs of the said County of *Tork*; whereby the said Sheriffs were commanded further to distrain the said *James Maleverer* to appear as aforesaid: Upon which said Writs of *Distringas*, several great and excessive Issues were returned upon the Lands of the said *James Maleverer*, amounting to the Sum of Two thousand Pounds, or thereabouts; a great part whereof the said *James Maleverer* was enforced to pay: And in like manner, the said *Sir Humphrey Davenport*, together with the rest of the then Barons of the said Court of Exchequer, did order and direct such and the like unjust and undue Proceedings: And the said Proceedings were had and made accordingly against *Thomas Moyser*, Esq; and against several other Persons, his Majesty's Subjects, in several parts of this Realm, to the utter undoing of many of them.

III. That a Sentence of *Degradation* being given by the High Commissioners of the Province of *Tork*, against *Peter Smart*, Clerk, one of the Prebends of the Church of *Durham*, for a Sermon by him formerly preached against some Innovations in the Church of *Durham*; a Tryal was afterwards had, viz. in *August*, in the Seventh Year of his said Majesty's Reign, before the said *Sir Humphrey Davenport*, Knight, then one of the Judges of Assizes and *Nisi prius*, for the County Palatine of *Durham*, concerning the Corps of the Prebend of the said Mr. *Smart*; which was then pretended to be void by the said Sentence of *Degradation*; the said *Sir Humphrey Davenport*, contrary to his Oath, and contrary to the Laws of this Realm, and to the Destruction of the said Mr. *Smart*, upon reading the Writ *de Heretico Comburendo*, did publicly upon the Bench, in the presence of divers his Majesty's Subjects then attending, declare his Opinion to be, That the said Prebend's Place was void; and gave Directions to the Jury then at Bar to find accordingly: And being then informed, that although the said Mr. *Smart* had been dead, or deprived, yet the Profits of his Prebend had been due to his Executors till the *Michaelmas* following; the said *Sir Humphrey Davenport* then answered, that though the said Mr. *Smart* was not dead, yet if he had had his Desert, he had been dead long ago, for he *deserved to be hanged* for the said Sermon; and that he was as wicked a Man as any lived in the World: Call him no more Mr. *Smart*, but plain *Smart*. And when the said Jury had found against the said Mr. *Smart*, the said *Sir Humphrey Davenport*, in scandal of his Majesty's Government and Justice, and of the Proceedings of his Majesty's Judges, did publicly, as aforesaid, speak words to this Effect, *That the said Jury had done well, and that the said Smart had no Remedy, save by Appeal to the King; and there he should find but cold Comfort, for the King would not go against his own Prerogative*, upon which the Judges and High Commissioners did depend, and therefore would not contradict one anothers Acts.

IV. That



IV. That the said Sir *Humphrey Davenport*, about the Month of *November*, *Anno Domini* 1635. then being Lord Chief Baron of his Majesty's Court of Exchequer, and having taken an Oath for the due Administration of Justice to his Majesty's Liege People, according to the Laws and Statutes of this Realm, subscribed his Name to an Opinion, *in hæc verba*. [*I am of Opinion, &c. ut supra.*]

V. That in or about the Month of *February*, *An. Dom.* 1636. the said Sir *Humphrey Davenport*, then being Lord Chief Baron of the said Court of Exchequer, subscribed an Extrajudicial Opinion in answer to Questions, in a Letter from his Majesty, *in hæc verba*.

[*C. R. When the Good and Safety of the Kingdom is concerned, &c. ut supra.*]

VI. That whereas an Action of Battery was brought by one *Richard Legge*, against *Robert Hoblins*; to which the said *Robert Hoblins* pleaded Justification *de son assault de mesme*; and the said Cause came to Tryal at the Assizes holden for the County of *Gloucester*, in *Summer*, 1636. before the said Sir *Humphrey Davenport*, then one of the Justices of Assize and *nisi prius* for that County. At the said Tryal, the said *Robert Hoblins* did begin to make Proof of his said Justification, and produced one *Robert Tilly*, a Witness in the Cause, who proved upon Oath that the said *Richard Legge* did make the first Assault upon the said *Robert Hoblins*; and that the Occasion thereof was, that the said *Richard Legge* and others, came upon the Lands then in Possession of the said *Hoblins*, and did take and drive away Eighteen Cows of the said *Hoblins*, pretending they had a Warrant from the Sheriff to distrain the same, for Forty Shillings, assessed upon the said *Hoblins*, for *Ship-money*: And when the said *Hoblins* (being present) endeavoured to hinder the said *Legge* and others, from taking away his said Cattel, the said *Legge* stroke the said *Hoblins* with a Staff; who after defended himself: That upon the opening of the Matter the said Sir *Humphrey Davenport*, would not suffer the said *Hoblins* to produce any more Witnesses on his behalf (though the said *Hoblins* desired that other of his Witnesses then present and sworn, might be heard) nor his Council to speak for him: But being informed, that the said *Hoblins*, (when *Ship-money* was demanded of him) answered, *That he would not pay the same, because it was not granted by Parliament*, the said Sir *Humphrey Davenport*, did then (openly in the hearing of a great number of his Majesty's Liege People then assembled, and attending the Court) in great Passion reprove the said *Hoblins*, and told him the King was *not to call a Parliament to give him Satisfaction*; and did then and there also falsely and of purpose, to prevent his Majesty's loving Subjects from the due and ordinary Course of Law, and contrary to his Oath and the Laws of the Realm, publish, declare and affirm, That it was adjudged by all the Judges of *England*, That *Ship-money was due to the King*, and directed the Jury, sworn in that Cause, to find a Verdict for the said *Richard Legge*: And the said Jury did accordingly, and gave him Twenty Pound Damages: And the said *Humphrey Davenport*, did then also without any Cause, imprison the said *Robert Hoblins*, and bound him to the Good Behaviour.

VII. That whereas in the Month of *April*, *Decimo Sexto Caroli*, the Officers of the Custom-House, having seized a Ship of one *Samuel Warner's*, laden with *Tobacco*, being the Goods of the said *Warner*, the Bulk of the said Ship not being broken, and no Information exhibited for the King, according to the Course of the Exchequer for any Duty, the Barons were moved, that the said Ship might be restored to the Proprietors;



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giving security to pay such Duties as did belong to the King : But upon the Allegation of the King's Attorney, that there needed no Information, because there was no Penalty, the said Sir *Humphrey Davenport*, being then Lord Chief Baron of his Majesty's Court of Exchequer, together with the rest of the then Barons of the said Court, did, contrary to his Oath, and contrary to the Laws of this Realm, deny the *Restitution of the said Ship*, unless all the Duties demanded by the Farmers of the Custom-house were first paid.

Hereupon the said *Warner* brought an Action of *Trover* in the Office of Pleas in the Exchequer, against the said Officers that seized his Ship and Goods: Whereupon the King's Attorney-General exhibited an Information by *English Bill* in the Exchequer-Chamber, against the said *Warner*; setting forth, that Customs and Subsidies upon Merchandize, were a great part of the King's Revenue, and payable to him: And that the said Ship was seized for non-payment of the foresaid Duties; notwithstanding that the said *Warner*, then Proprietor, prosecuted the Officers upon a Suit at Law, and prays that he may answer the said Information before any further Proceedings be had at Law.

Thereupon the said Sir *Humphrey Davenport*, together with the then Barons of the said Court of Exchequer, ordered that the Proprietor moving for the delivery of the said Goods, should first answer to the Information; after which the said *Warner* demurred to the said Information, in regard no Title for any certain Duty was set forth by the Information: which Demurrer yet remains not over-ruled; but the said Sir *Humphrey Davenport*, with the said other Baron, without over-ruling the Demurrer, ordered, because *Warner* had put in a Demurrer, and not answered to the said Information, that he should not proceed upon the Action of *Trover*. The Proprietor being thus prevented of his Remedy by Action at Law, sued forth a *Replevin*; and upon pretence of viewing the said Goods, caused them to be brought forth out of a Cellar, hired by a Deputy to the Farmers for that use; and being brought forth, they were taken by the Sheriffs of *London*, by Virtue of the said *Replevin*; and upon Oath made of the manner of the taking, as aforesaid, before the Barons; and upon view of the President, in *Roll's Case*, the said Sir *Humphrey Davenport*, with the said other Barons, adjudged that the said Goods were not repleviable, and granted an Injunction to maintain Possession of them as they were before.

And the said House of Commons, by Protestation, saving to themselves only the Liberties of exhibiting at any time hereafter, any other Accusation or Impeachment against the said Sir *Humphrey Davenport*, and also of replying to the Answer, that he the said Sir *Humphrey Davenport*, shall make unto the said Articles, or any of, or of offering them Proof of the Premises, or any of their Impeachments or Accusations that shall be exhibited by them, as the Case shall (according to the Course of Parliaments) require, do pray that the said Sir *Humphrey Davenport*, Lord Chief Baron of his Majesty's Court of Exchequer, may be put to answer to all and every the Premises, and that such Proceedings, Examinations, Tryals and Judgments, may be upon every of them had and used, as is agreeable to Law and Justice.

Articles



16 Car.

*Articles of the House of Commons, in the Name of themselves, and of all the Commons of England, against Sir Richard Weston Kt. one of the Barons of His Majesty's Court of Exchequer, Impeaching him as followeth.*

I. **T**hat the said Sir Richard Weston, about the Month of November, An. Dom. 1635. then being one of the Barons of His Majesty's Court of Exchequer, and having taken an Oath for the due Administration of Justice to His Majesty's Liege People, according to the Laws and Statutes of this Realm, Subscribed his Name to an Opinion, *in hæc Verba*. [*I am of Opinion, &c. ut Supra, in Sir Robert Berkeley's Charge.*]

The Articles  
against Ba-  
ron Weston.

II. That in or about the Month of February, An. Dom. 1636. the said Sir Richard Weston (being then one of the Barons of His Majesty's Court of Exchequer) Subscribed an Extrajudicial Opinion, in Answer to Questions in a Letter from His Majesty, *in hæc Verba*.

[C. R. *When the Good and Safety of the Kingdom in General is Concern'd, &c. ut Supra.*]

III. That the said Sir Richard Weston (being then one of the Barons of His Majesty's Court of Exchequer) did deliver His Opinion and Judgment, in the Exchequer Chamber, against John Hampden Esq; in the Case of Ship-Money; [*That be the said John Hampden, &c. As in Judge Crawley's Charge.*]

IV. That whereas in the Month of April, 16 Caroli, the Officers of the Custom-House, having seiz'd a Ship of one Samuel Warners, Laden with Tobacco, &c. [*As in the Impeachment of the Chief Baron.*]

And the said House of Commons by Protestatoin, saving to themselves only the liberty of Exhibiting at any time hereafter, any other Accusation or Impeachment against the said Sir Richard Weston, and also of Replying to the Answer that he the said Sir Richard Weston shall make unto the said Articles, or any of them, or of offering Proof of the Premises, or any of their Impeachments or Accusations, that shall be Exhibited by them, as the Case shall (according to the Course of Parliaments) require, do Pray, That the said Sir Richard Weston, one of the Barons of His Majesty's Court of Exchequer, may be put to Answer, &c.

*Articles of the House of Commons, in the Name of themselves, and of all the Commons of England, against Sir Thomas Trevor Kt. one of the Barons of his Majesty's Court of Exchequer, Impeaching him as followeth.*

I. **T**hat in or about November, 4 Caroli, divers Goods and Merchandizes (whereof John Rolls, George Moor, and others, Merchants of London, were Proprietors) being seized and conveyed into certain Store-Houses at the Custom-House, by Sir John Worstenham, Abraham Dawes, and others the Farmers and Officers of the Customs, and by them there detained, because the said Proprietors refused to Pay the Subsidy of Tonnage and Poundage, pretended to be due, and demanded by the said Farmers and Officers, on his Majesty's behalf, for the said Merchandizes; whereas no such Subsidy or Duty of Tonnage

The Charge  
against Baron  
Trevor.



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or Poundage was due or payable for the same, no Subsidy of Tonnage and Poundage having been Granted by Parliament to His Majesty. The said *John Rolles*, and other the Proprietors of the said Goods, having, by reason of such Unlawful Seizure and Detainure, as aforesaid, sued forth one or more Writ or Writs of *Replevin*, directed to the Sheriffs of *London* (being the proper Remedy provided by the Law, to regain the Possession of Goods taken, and with-held from the Owners contrary to Law) the said Sir *Thomas Trevor* Kt. then, and yet one of the Barons of His Majesty's said Court of *Exchequer*, together with the rest of the then Barons of the said Court, upon Information to them given, that the said Proprietors, or some of them, had Sued forth and did Prosecute such Writ or Writs of *Replevin*, for the delivery of the said Goods, did order an Injunction, under Seal of the said Court, to issue forth, directed to the Sheriffs of *London*, Commanding them thereby, not to Execute the said Writ or Writs of *Replevin*, or any like Writ thereafter to be sued forth, by any Person or Persons, for the delivery of any Goods in the like nature detained: And did Declare, and Order Publickly in the said Court of *Exchequer*, that the said Goods by Law were not *Replevisable*; Alledging for Cause, that the said Goods were in the King's own Possession; whereas the same did not Judicially appear to them, and they did well know, that the said Goods were at that time in the Possession of the Farmers and Lessees of the said Customs; and no Lawful Cause to them appearing, or suggested, of the taking and detaining of the said Goods. Which Injunction and Declaration so granted and made, were, and are against the Laws of the Realm, and in Subversion of the Common Right and Remedy of the Subject, for regaining the Possession of his Goods, being taken and with-holden from him without Lawful Cause.

That the Sheriffs of *London* for the Time being, served with the said Injunction, did forbear to Execute the said Writ or Writs of *Replevin*: By means whereof, the said Goods continued so detained as aforesaid, contrary to Law, from the said Month of *November*, until the Month of *June* next following.

That the said Sir *Thomas Trevor*, and other the Barons aforesaid, knowing the said Goods to be Unlawfully seized and detained, for the pretended Duties and Subsidy of Tonnage and Poundage, whereas no such was payable by Law, did from time to time delay the respective Proprietors, from having Restitution of their said Goods, being often in Court moved therein, with Intention thereby, to force the said Proprietors (by wanting their Goods, and the Use thereof) to Pay all such Sums, as the said Officers of the Customs pretended to be due to His Majesty.

That to the End aforesaid, the said Sir *Thomas Trevor*, and the said other Barons refused to accept of any Security, to be given by the said Proprietors, upon Restitution had of their Goods, for Payment of all such Duties as should be made appear to be payable to His Majesty, in such manner as the said Barons should direct.

That the said Sir *Thomas Trevor*, and other the Barons aforesaid, knowing the said Sums demanded on His Majesty's behalf, by the said Officers of the Customs, not to be due by Law, did refuse to order Restitution of any part of those Goods, so detained as aforesaid, to the Proprietors thereof, unless the said Proprietors would deposite all such Sums of Money, as the said Officers respectively demanded of them for pretended Duties to His Majesty; and the said Proprietors refusing to deposite the said Sums demanded, the said Sir *Thomas Trevor*, and other



other Barons aforesaid, did order the said Officers to detain double the Value of the Sums by them demanded, for pretended Duties to His Majesty, and to Restore the Residue; the said Sir *Thomas Trevor*, and other the said Barons, then knowing that the pretended Sums demanded by the said Officers, were not by Law due or payable to His Majesty.

16 Car.

II. That in or about *January*, 4 Car. the said Officers having seized several Merchandizes, of the Goods of *Richard Chambers*, Merchant, upon the Pretence aforesaid, did detain the same; and the said *Chambers* Prosecuting by Plaint, to have his said Goods Replevied; the said Sir *Thomas Trevor*, together with the said other Barons, did in like manner, in the said Court of *Exchequer*, Declare the said *Chambers* his Goods not to be Replevisable; and enjoined the Sheriffs of *London*, to proceed no further therein, no Cause to them appearing of such Seizure or Detainure. And the said Sir *Thomas Trevor*, and other the Barons of the said Court, refused to Order the delivery of the said *Chambers* his Goods, upon good Security offered by him, to pay all such Sums as should be made appear to be due; and for which the said Goods were pretended to be detained; and the said Barons being often moved in Court therein, did refuse to order Restitution of any Part of the said *Chambers* his Goods, until the 23. of *November*. 5 Car. and then Ordered, that the said Officers should detain in their Hands double the Value of the Sums by them Demanded, and Restitution of the Residue to be made to the said *Chambers*, no Cause of detaining any Part of the said Goods to them in any wise appearing.

III. That whereas in the Month of *October*, in the Fourth year of His said Majesty's Reign, the Farmers and Officers of the Custom-House having seized great Quantities of Currans, being the Goods of *Samuel Vassall* Merchant, &c. [As before in the other Charge; and also the Business of Maleverer, as before.]

IV. That the said Sir *Thomas Trevor*, about the Month of *November*, 1635. then being one of the Barons of His Majesty's Court of *Exchequer*, and having taken an Oath for the due Administration of Justice to His Majesty's Liege People, according to the Laws and Statutes of this Realm, Subscribed his Name to an Opinion, in hæc Verba. [I am of Opinion, &c. ut Supra.]

V. That in or about the Month of *February*, An. Dom. 1636. (then being one of the Barons of the said Court of *Exchequer*) he Subscribed an Extrajudicial Opinion, in Answer to Questions, in a Letter from His Majesty, in hæc Verba.

[C. R. When the Good and Safety of the Kingdom in General is Concern'd, ut Supra.]

VI. That the said Sir *Thomas Trevor* (being then one of the Barons of His Majesty's Court of *Exchequer*) did deliver his Opinion and Judgment in the *Exchequer-Chamber*, against *John Hampden* Esq; in the Case of Ship-money. That he the said *John Hampden*, upon the Matter and Substance of the Case, was chargeable with the Money then in question: A Copy of which Proceedings and Judgment, the Commons in this present Parliament, have already delivered to your Lordships.

VII. That whereas in the Month of *April*, 16 Carol. the Officers of the Custom-House, having seized a Ship of one *Samuel Warners*, Laden with Tobacco, &c. [As before.]

And the said House of Commons by Protestation, saving to themselves only the Liberties of Exhibiting at any time hereafter, any other Accusation or Impeachment against the said Sir *Thomas Trevor*, and also of



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The rest of  
Mr. Hyde's  
Speech a-  
gainst the  
Barons.

of Replying to the Answer, that he the said Sir *Thomas Trevor*, shall make unto the said Articles or any of them; or of offering Proof of the Premises, or any of their Impeachments or Accusations, that shall be Exhibited by them, as the Case shall (according to the Course of Parliaments) require, do Pray, that the said Sir *Thomas Trevor*, one of the Barons of His Majesty's Court of *Exchequer*, may be put to answer to all and every the Premises; and that such Proceedings, Examinations, Tryals and Judgments, may be upon every of them had and used, as is agreeable to Law and Justice.

Your Lordships observe, That the Great Resolution in Ship-Money, was a Crime of so prodigious a Nature, that it could not be easily swallowed and digested by the Consciences even of these Men, but as they who are to Wrestle or Run a Race, by degrees prepare themselves by Dyet, and lesser Essays, for the main Exercise; so these Judges enter themselves, and harden their Hearts by more particular Trespasses upon the Law; by Impositions and Taxes upon the Merchant in Trade, by Burdens and Pressures upon the Gentry by Knight-hood, before they could arrive at that Universal Destruction of the Kingdom by Ship-Money, which promised Reward and Security for all their former Services, by doing the Work of a Parliament to His Majesty in Supplies, and seemed to elude Justice, in leaving none to Judge them, by making the whole Kingdom Party to their Oppression.

My Lords, of this Crime these Three Judges seem to be at least equally Guilty; for however one of them, my Lord Chief Baron, is not Charged with that Judgment, in the *Exchequer-Chamber*, against Mr. *Hampden*, and how he failed in making his Conclusion from his own Premises, he only can inform you; your Lordships see how quickly he Repented, that that Mischief was done without him there, by his overtaking his Brethren in his Circuit; and as he said of the vilest kind of Flatterers, *Crudelissimo servitutis genere, quod intra se abominabantur, palam laudabant*; he made all possible haste to Redeem himself from that Imputation of Justice; and declared publicly in the Face of the Country, that it was adjudged by all the Judges of *England*, that Ship-Money was due to the King, though I believe he will be now glad to be thought none of those Judges, and what others did he well knew; and thereupon Imprison'd a Poor Man for doing that; which if Ship-Money had been due to His Majesty by *Magna Charta*, had been Lawful for him to have done. Of the Resolutions and Judgment it self, I am not to speak, your Lordships have passed your Noble Judgment.

My Lords, the First Charge in order is, That Presumptuous Decree against Mr. *Rolls* and others; and in truth whatever Gloss they put upon it, it is no other than a Plain Grant of the Subsidy of Tonnage and Poundage to His Majesty upon all Merchandize. After their Goods seized for Non-payment of that pretended Duty, the Proprietors brought *Replevins* (which is the Natural and Genuine Remedy, appointed by Law in Case of Property, and grounded upon Property) the Court Awards an Injunction to stay these *Replevins*: the Goods were in the King's Possession, and no *Replevin* would lie against the King. Truly, My Lords, the Injustice here is not so scandalous as the Fraud; we all know a *Replevin* (as no other Suit) lies against the King, if the Goods be in his own Hands, in his Bed Chamber; but to call a Seizure by the Farmers (of whose Interest this Court will not deny the Notice; and if His Majesty had any Right, they well knew he had transferred it to these Men) or the Ware-houses of the Customers, the King's Possession, to defeat the Subject of his proper Remedy, was the boldest Piece of *Sophistry* we have met with in a Court of Law: Pardon me if I be transported: The Civilians say, *Tutor Domini loco habetur, cum rem administrat, non cum pupillum spoliat*: The Office of Judges is to preserve and give Remedy for Right; here they found a Right, a known and unquestionable Right; yet instead of assisting, took away the Remedy, to preserve that Right. What shall we call these Judges? My Lords, in this Argument I am not willing to say much; 'tis enough that your Lordships know Tonnage and Poundage is not a Duty to the Crown, but a Subsidy, and so granted in *Subsidium*; sometimes *pro una vice tantum*; sometimes for years, and then ceased when the Time did expire; that when it was first granted for Life, it was with



with this Clause : *Ita quod non trahatur in exemplum futuris Regibus.* But 'tis abundantly enough, that his Sacred Majesty cannot be tainted with the Advices and Judgments of these Men, but looks on this Duty singly, as the meer Affection and Bounty of his Subjects ; the which, no doubt, he shall never want.

16 Car.

*My Lords,* The next Charge is concerning Impositions ; Mr. *Vassall's* Goods are seized for not paying Impost, which he conceived to be against Law ; he is imprisoned, and Judgment given against him, without suffering him to be heard, upon point of Right, because it had been heretofore judged in *Bates's* Case : And yet these very Judges have not thought themselves so bound up by former Judgments, but that since this time they have argued a Case upon the same Point, which was adjudged in *Hillary Term*, in the 15 *Eliz.* and confirmed after by all the Judges of *England* in a Writ of Error in the Twenty first year of that Queen's Reign ; 'tis *Walsingham's* Case : However the same Modesty seized them again, in the Case of a Noble Lord, not now present : Whether the King, without Assent of Parliament, may set Impositions upon the Wares and Goods of Merchants, is now no new Question ; it hath been more than once debated in Parliament ; and indeed whilst it was a Question, was fittest for a Parliament. I will not trouble your Lordships long : 'tis now resolved, and nothing new can be said in this Argument ; though I may have leave to say, if the King can by his Letters Patents, create such a Right to himself, and by a Legal Course recover that Right under such a Title, such Letters Patents are in no degree inferiour to an Act of Parliament ; to reconcile such a Power in the Prince, and the Property of the Subject, that the one must not be destructive to the other, will require a much greater, a subtler Understanding than I pretend to. But, *my Lords*, I do not think the Judgment in this Point, to be so great a Crime in these Judges, as that they presumed to judge at all ; the matter had been long debated in Parliament undetermined, and therefore not within the Cognizance of an Inferiour Court ; had it not been true that *Fortescue* says in his 36 Chapter of the Laws of *England* : *Neque Rex per se aut Ministros suos, Tallagia, Subsidia, aut quævis onera alia imponit, &c. sine concessione vel assensu totius Regni sui in Parlamento suo expresso, &c.* If the Statute de Tallagio non Concedendo ; if the thirtieth Chapter of *Magna Charta*, and all the other Statutes to that purpose be not clear in the Point, they might easily have apprehended so much weight, so much difficulty in the Question (especially since in all our *Law Books*, not so much as the Word Imposition is found, until the Case in my Lord *Dyer* of 1 *Eliz.* fol. 163.) that they might very well have suspected themselves to be no Competent Judges for that Determination ; and I hope by the Experience of this Parliament, the Judges will recover that ancient Modesty, to believe that some Cases may fall out that may not be properly within their Jurisdiction. In the ninth Year of *Edw. 2.* ('tis in the Parliament Rolls) it being found by an Office, after the Death of *Gilbert de Clare*, Earl of *Gloucester*, that his Sisters were his Heirs, nisi Comitissa *Gloucestræ* esset pregnans, the Question was, Whether the King might grant the Heirs their Liveries in Prejudicium Impregnaturæ : This was conceived *Negotium novum & difficile* ; and the King having commanded the Chancellor and Judges to deliver their Opinion in Writing ; they returned, *Quod non Audebant Dictum Negotium definire, nec Domino Regi Consulere sine consensu Magnatum, propter raritatem & difficultatem* : Whereupon Day was given to the Parties, ad proximum Parliamentum. And your Lordships well know the special Care that is taken by the Statute of 14 *Edw. 3.* Cap. 5. that such Matters, as for the difficulty, are not fit for the Judges ; or through eminent Delay, are not dispatched by the Judges, shall be determined in Parliament : not such matters as the Parties concerned, had rather venture on your Lordships Judgments, than upon the Rules, and Proceedings of the Law. (God knows what Mischief and Confusion may fall out upon that Admission.) There must be such Difficulty, such Delay, before that Statute meant your Lordships Justice should be concerned in the Resolution. I wish these Gentlemen had thought this Business a matter of that Difficulty as had been fit for such a Delay.

*My Lords*, We come next to the Charge concerning Knighthood. Mr. *Maleverer* appears upon the Process of that Court, pleads and submits to his Fine : ponit se in gratiam curiæ : The Barons refuse to impose any Fine ; they had no Power to do that ; he must treat with certain Commissioners appointed for that purpose,



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purpose, and compound with them. Your Lordships have not met in the same Men such *Contradictions of Crimes*: Who would suspect the same Men in one Charge, to have the *Mettle* to usurp the Power, and exercise the Jurisdiction of the Highest Court, the Court of Parliament, and presently to want the Spirit to do that which was so restrained and peculiar to their Places to have done, as that none else could do it? They had no *Power to fine*; as if the whole Business of sworn Judges in a Court of Law, were to summon and call Men thither, and then to send them on Errands to other Commissioners for Justice. 'Tis true, the Commissions of 1 *Edw. 2.* to *Tiptoffe* and *Berk*, and since to others, were and have been to compound with those who desired to compound, not otherwise. They had no power to compel any, to *fine any*; that Trust, by Law, was and is only in the Judges. So that if this Duty were a Right to his Majesty, and the Persons liable, refuse to compound, for ought these Judges can do, the King must lose this Duty: they can impose no Fine, only they have found a trick, which they call the *Course of the Court*, to make his Majesty a Saver. Appear while you will, plead what you will, submit to the Mercy of the Court, *Issues* shall go on still, as if you did neither, till you have done somewhat that the Court will not order you to do, nor is bound to take notice of when you have done; your Lordships will help us out of this Circle? And that you may see how incapable they are of any Excuse in this point, the very *Mittimus* out of the Chancery gives them express command amongst other things, *Ut fines omnium illorum qui juxta Proclamationem prædict. ordinem ante prædict. diem suscepisse debuerant, Capiatis, &c.* 'Tis only worth your Lordships observation: This Misfortune commonly attends (and may it ever) those obsolete, disused Rights, that be the thing in it self in a degree lawful, the Advisers and Ministers of it so fail in the Execution, that, as it usually proves as grievous to the Subject, so by some Circumstances it proves as penal to the Instruments, as if it were in the very Nature of the thing, against all the Laws of Government.

I have wearied your Lordships: You see in what a dress of Injustice, Subtilty and Oppression I am very unwillingly compelled to present these Judges to you. If they appear to your Lordships under any other Character, of *known* and confessed *Learning* in the whole Course of their Lives, how far that will aggravate their Fault, your Lordships must only judge; if under the excuse of *Ignorance*, or not much Knowledge in the Duty of their Places, your Lordships will easily conclude, what infinite Mischief, of which your Lordships have no particular Information, the Subjects of this Kingdom have suffered in their Lives, in their Fortunes, under such Ignorance and Presumption. If under the Reputation of Prudence and Integrity in all Cases, except these presented to your Lordships; your Lordships will be at least of the same Opinion, that he of *Lacedæmon* was of the *Athenians*, if they carried themselves well, when time was, and now *ill*, they deserve a *double* Punishment; because they are *not Good*, as they were, and because they are *Evil*, as they were not.

*My Lords*, If the excellent, envied Constitution of this Kingdom, hath been of late distempered, your Lordships see the Causes: If the sweet Harmony between the King's Protection and the Subjects Obedience, hath unluckily suffered Interruption: If the Royal Justice and Honour of the best of Kings hath been mistaken by his People: If the Duty and Affection of the most Faithful and Loyal Nation, hath been suspected by their Gracious Sovereign: If by these Misrepresentations, and these Misunderstandings, the King and People have been robb'd of the Delight and Comfort of each other, and the blessed Peace of this Island been shaken and frighted into Tumults and Commotion, into the Poverty, though not into the Rage of War, as a People prepared for Destruction and Desolation: These are the Men that actively or passively, by *doing or not doing*, have brought this upon us: *Misera servitus falso pax vocatur: ubi Judicia deficiunt, incipit Bellum.*

*My Lords*, I am commanded by the House of Commons, to desire your Lordships, that these Three Judges may be speedily required to make their Answers to these Impeachments, and that such further Proceedings may be had against them, as the Course and Justice of Parliament will admit.



At the same time Mr. *Hollis* made a Speech in the behalf of Sir *Randal Crew*, sometimes Lord Chief Justice of the King's-Bench, but removed for his Opinion against Loan-Money, desiring his Majesty might be moved for his restoring.

16 Car.

*Mr. Hollis's Speech concerning Sir Randal Crew.*

*My Lords,*

**T**Hese Gentlemen have represented unto your Lordships the said Object of Justice perverted, Liberty oppressed, Judgment turned into Wormwood, the Laws, which should be the Bars of our Gates to protect us, keep us, and all that is ours in Safety, made Weak and Impotent, to betray us into the Hands of Violence, instead of Props to support us, become broken Reeds to deceive us, and run into our Sides, when we lean upon them, even so many Snares to entrap and entangle us.

And all this by the Perfidiousness of those who are entrusted with our Laws, who call themselves the Guardians, and the Interpreters of the Law, but by their accursed Glosses, have confounded the Text, and made it speak another Language, and another Sence, than ever our Ancestors, the Law-makers, intended.

Our Ancestors made Laws to keep themselves and their Posterity after them in the Possession of their Estates; these Judges could make the Law it self rob us and despoil us of our Estates: Were we invaded and persecuted at any time for pretended Crimes, or rather because we were free from Crimes? And did we put our selves upon a Legal Defence, and shelter our selves under the Buckler of the Law, use these lawful Weapons which Justice and Truth, and the common Right of the Subject did put into our Hands, would this avail us? These Judges would make the Law wrest our Weapons from us, disarm us, take away all our Defence, expunge our Answers, even bind us Hand and Foot, and so expose us naked and bound to the Mercifulness of our Oppressors. Were our Persons forced and imprisoned by an Act of Power, would the Law relieve us when we appealed unto it? No, it would join Hands with Violence and Bitterness to our Sorrow. These Judges would not hear us when we did Cry; no Opportunity could get a *Habeas Corpus*; nay, our Cries would displease them, and they would beat us for Crying, and over-do the unjust Judge in the Gospel, with whom yet Importunity could prevail.

*My Lords,* The Commons of *England* finding themselves in this lamentable Condition by the Wickedness of these Judges, it is no wonder that we complain of them: It is no wonder if the Knights, Citizens, and Burgesses assembled in Parliament, have sent up some of their Members to stand upon Mount *Ebal*, to curse these Judges; to denounce a Curse upon them who have removed our Land-marks, have taken the Bound-Stones of the Propriety of the Subject, have left no *Meum* and *Tuum*; but he that had most Might had most Right, and the Law was sure to be of his Side.

It hath been the part of these Gentlemen before, to pray for Justice upon these Men, who would not do Justice to others. *My Lords,* I come upon another Errand, and yet for Justice too, for there is Justice upon Mount *Gerizim* as well as upon Mount *Ebal*. It is a great point of Justice to give a Blessing and Reward where it is due. For Reward and Punishment, *præmium & pœna*, be the two Legs that Justice walks on, and Reward is her right Leg, the more noble and the more glorious Supporter of that Sacred and Divine Body, that which God himself, the Foundation of Justice, doth more delight in.

*Tardior ad pœnas Deus est ad præmia velox.*

Punishment is good as Physick in the Consequence, Reward as wholsom and nourishing Food in the Essence; the one we do, because we must do it as Necessary; the other because we love to do it, as being pleasing and delightful. Your Lordships then, I doubt not, will as willingly joyn with the Commons in doing Good to a good Judge, as in punishing of the Bad.



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*My Lords,* We honour them, and reckon them Martyrs for the Commonwealth, who suffer any thing by defending the common Right of the Subject, when they will not part with their own contrary to Law; when indeed their private Interest goes along with it, or rather before it; and the publick Concernment seems to come but in a second place; such were those many whom these Judges have oppressed: Yet these Men we magnifie, and judge worthy of Praise and Reward.

But what Honour then is he worthy of, who meerly for the Publick, hath suffered himself to be divested and deprived of his Particular; such a Judge as would lose his Place rather than do that which his Conscience told him was prejudicial to the Commonwealth; Is not he worthy of double Honour?

And this did that worthy reverend Judge, the Chief Judge of *England* at that time, Sir *Randal Crew*; because he would not, by subscribing, countenance the Loan in the first Year of the King, contrary to his Oath and Conscience, he drew upon himself the Displeasure of some great Persons about his Majesty, who put on that Project, which was afterwards condemned by the Petition of Right, in the Parliament of the 3d. as unjust and unlawful, and by that Means he lost his Place of Chief Justice of the *Kings-Bench*, and hath these fourteen Years, by keeping his Innocency, lost the Profit of that Office, which upon a just Calculation, in so long a Revolution of Time, amounts to 26000 *l.* or thereabouts.

He kept his Innocency, when others let theirs go, when himself and the Commonwealth were alike deserted, which raises his Merit to a higher Pitch: For to be honest when every Body else is honest, when Honesty is in Fashion, and is Trump, as I may say, is nothing so Meritorious; but to stand alone in the Breach, to own Honesty when others dare not do it, cannot be sufficiently Applauded, nor sufficiently Rewarded; and that did this good old Man do in a Time of general Desertion, he preserved himself pure and untainted.

*Temporibusq; malis ausus es esse bonus.*

*My Lords,* The House of Commons are therefore Suitors unto your Lordships to joyn with them in the Representation of this good Man's Case unto his Majesty, and humbly to beseech his Majesty to be so Good and Gracious unto him, as to give him such Honour (the quality of his Case considered) as may be a noble Mark of Sovereign Grace and Favour, to remain to him and his Posterity, and may be in some measure a proportionable Compensation for the great Loss he hath with so much Patience and Resolution sustained.

July 7.  
Letter from  
Gen. *Lesley*.

This Day the Earl of *Holland*, Lord-General, communicated a Letter to the House of Lords, from General *Lesley*, Dated at *Darlington* in the County of *Durham*, the 2d Instant, Declaring his Resolution, with all possible Diligence, to move the Army *Northwards*; and that their retiring should be so as to take away all Jealousie from the *English* Army of their abode in that part of the Country, and that he hoped such a sure Ground was laid, That all the Enemies to his Majesty's three Kingdoms would have as much cause to fear the ill Effects as to them of their Union, as they had matter of rejoicing at the too long Discord between them.

Manifesto.  
touching the  
Elector Palatine, read  
July 7.

The *Manifesto* touching the Prince Elector Palatine was read, and a Committee appointed to search the Journal 21 *Jacobi*, and 1 *Car.* to see what they can find concerning the restoring of the Prince Elector Palatine to his Right and Possessions, and to present to the House, whatsoever they find worthy the Knowledge of this House touching this Matter.

Patents for  
Projects.

That a Warrant issue forth to the Clerk of the Crown, or other Officers whatsoever, forthwith to return to the House a Catalogue of all such Patents concerning Projects as have passed since 1 *Car.*

A Bill to secure the Subject from unlawful Restraint, read  
July 8.

A Bill for the securing of the Subjects of this Realm from unlawful Restraint, Imprisonment, &c. by Lords, and others of the Privy Council, or other Officers, read the first time.

Report



Report was made concerning Breach of Priviledge, 3 *Car.* in reference to Mr. *Hollis*, Mr. *Selden*, Sir *John Elliot*, &c.

*Resolved*, That the issuing out of the Warrants from the Lords and others of the Privy-Council, compelling Mr. *Hollis*, and some other Members of that Parliament, 3 *Car.* (during that Parliament) to appear before them, is a Breach of the Priviledge of Parliament by those Privy-Counsellors.

*Resolved*, That the committing of Mr. *Hollis* and the rest, by the Lords and others of the Privy-Council, during that Parliament, is a Breach of the Priviledge of Parliament by those Lords and others.

*Resolved*, That the searching and sealing of the Chamber, and seizing of the Papers of Mr. *Hollis*, Mr. *Selden*, and Sir *John Elliot*, being Members of this House, during that Parliament, and issuing of Warrants to that purpose, was a Breach of the Priviledge of Parliament.

*Resolved*, That the exhibiting of an Information in the Court of Star-Chamber, against Mr. *Hollis* and the rest, for Matters done in Parliament, being Members of that Parliament, and the same so appearing in the Information, is a Breach of the Priviledge of Parliament.

*Resolved*, That Sir *Rob. Heath*, Sir *Hum. Davenport*, Sir *Henneage Finch*, Mr. *Hudson*, Sir *Rob. Berkley*, that subscribed their Names to the Information, are guilty thereby of the Breach of the Priviledge of Parliament.

*Resolved*, That there was Delay of Justice toward Mr. *Hollis* and the rest that appeared upon *Habeas Corpus*, in that they were not bailed in *Easter* and *Trinity* Term, 5 *Car.*

*Resolved*, That Sir *Nicholas Hide*, Lord Chief-Justice of the *King's-Bench*, is guilty of this Delay.

*Resolved*, That Sir *James Whitlock*, then one of the Justices of the Court of *King's-Bench*, is not guilty of this Delay.

Afterwards, on *July 8.* these further *Resolves* were made.

*Resolved*, That Sir *George Crook*, Knight, one of the Judges of the *King's-Bench*, is not guilty of this Delay.

*Resolved*, That the Continuance of Mr. *Hollis* and the rest of the Members of Parliament, 3 *Car.* in Prison, by the then Judges of the *King's-Bench*, for not putting in Sureties to the good Behaviour, was without just or legal Cause.

*Resolved*, That the exhibiting of the Information in the *King's-Bench* against Mr. *Hollis*, Sir *John Elliot*, and Mr. *Valentine*, being Members of Parliament, was a Breach of the Priviledge of Parliament.

*Resolved*, That the over-ruling of the Plea pleaded by Mr. *Hollis*, Sir *John Elliot*, &c. upon the Information to the Jurisdiction of the Court, was against the Law and Priviledge of Parliament.

*Resolved*, That the Judgment given upon a *Nihil dicit*, against Mr. *Hollis*, Sir *J. Elliot*, &c. and their Fine thereupon set, and their several Imprisonments thereupon, was against the Law and Priviledge of Parliament.

*Resolved*, That Mr. *Hollis*, Mr. *Stroud*, Mr. *Valentine*, and Mr. *Long*, and the Heirs and Executors of Sir *John Elliot*, and Sir *Miles Hubbard*, respectively, ought to have Reparation for their respective Damages and Sufferings, against the Lords and others of the Council, by whose Warrant they were apprehended and committed, and against the Council that put their Hands to the Information in the Star-Chamber, and against the Judges of the *King's-Bench*.

*Resolved*, That Mr. *Laurence Whitacre*, a Member of this House, be sent to the *Tower*, for searching the Trunks of Sir *John Elliot*, and for seizing and carrying away his Papers: And Mr. *Whitacre* kneeling at the Bar, was accordingly committed to the *Tower*.

16 *Car.*Report made  
of Breach of  
Priviledge  
3 *Car.*

Judge Crook.

Information  
Banco Regis  
against Mr.  
*Hollis*, Mr.  
*Selden*, &c.Mr. *Whitacre*  
committed  
to the *Tower*.



An. 1641.

No Ambassa-  
dor to pro-  
tect any Na-  
tives, Priests  
or Papists.

July 8.  
Cessation.

Bishops  
Lands to be  
put into Fe-  
offees Hands.

July 9.

Two Regi-  
ments alrea-  
dy disbanded  
Popish  
Priests.

Protestation  
protested.

July 10.  
Bishops.

Mond. July 12.  
Notice to the  
Lord Digby  
to attend a  
Report to be  
made a-  
gainst him.

That no  
Member  
print his  
Speech.  
Speech of  
the Lord  
Digby voted  
to be untrue  
and scanda-  
lous, July 13.

Sir Lewis Di-  
ves, a Delin-  
quent for  
printing the  
said Speech.  
The Speech  
to be burnt  
by the Hang-  
man.

That no Ho-  
nour be con-  
ferred on  
the L. Digby.  
Forests Bill  
to be ingros-  
sed.

Bishop of  
Ely, Sir Tho-  
mas Widdring-  
ton to ma-  
nage the  
Conference.  
Queen to  
stay her  
Journey.

This House doth declare, That no Foreign Ambassador whatsoever ought to shelter or harbour any Popish Priest, or Jesuit, that are Natives of the King's Dominions, under Pretence of being their Servant, or otherwise; and the Committee of this House for the Ten Propositions, shall present this to the Lords, to petition his Majesty therein.

*Resolved*, That a Cessation of Arms with the Scots, be agreed unto, on the former Terms, if the Treaty so long last.

Some Debate the House had this Day upon the Bill against Episcopacy, concerning Bishops Lands, that they might be put into the Hands of Feoffees, Nine of the Laity, and Three of the Clergy in every Diocese; and the rest of the Lands belonging to Deans and their Dependants, to be employed for the Advancement of Learning; and the Bishops to have competent Allowance during their Lives.

It was likewise proposed, That these Feoffees should have Power to exercise all Ecclesiastical Jurisdiction within this Kingdom, as shall be ordered by Act of Parliament.

Mr. Capel reports, That the Regiment at *Hull*, and Colonel *Vavasor's* are already disbanded.

One *Williams* a Popish Priest, brought before the House, was committed to the *Gate-House*, and a Warrant issued out against another Priest in *London*.

*Ordered*, That the Book entituled, *The Protestation Protested*, be referred to the Committee for Printing.

Upon a further Debate of the Bill against Bishops, instead of the Words [*Competent Allowance*] it was ordered, That the Bishops, Deans, &c. shall have a liberal Allowance during Life.

The Sergeant-at-Arms gives an Account, That he had given Intimation to the Lord *Digby*, That Sir *John Evelin* was this Day to make his Report concerning the publishing in Print, a *Speech* of his, spoken upon passing the Bill of Attainder against *Thomas Earl of Strafford*.

*Resolved*, That no Member of this House shall either give a Copy, or publish in Print, any thing that he shall speak here, without Leave of the House.

*Resolved*, That the Lord *Digby's* Speech contains within it matters untrue and scandalous, as they have reference to the Proceedings of the Committees of the Lords House, and to the Committees of this House, and to the Evidences of the Witnesses produced in that Case; and that the publishing of that Speech, after a Vote passed in the House upon the said Bill, and Offence taken to it, and the same questioned in the House, is scandalous to the Proceedings of this House, and a Crime.

*Resolved*, That Sir *Lewis Dives*, and Mr. *John Digby*, are both Delinquents in the publishing and printing the Speech of *George Lord Digby*.

That the Speech shall be burnt in the New Palace at *Westminster*, *Cheapside*, and *Smithfield*, and this to be done by the Hands of the Common Hangman.

That both Houses do move his Majesty to forbear to confer any Honour or Employment upon the Person of *George Lord Digby*, who hath deserved so ill of the Parliament.

Mr. *Palmer* reports the Bill of Forests, reducing them to ancient Limits and Bounds; which was ordered to be ingrossed.

The Articles against the Bishop of *Ely* being ingrossed, were read.

Sir *Thomas Widdrington* was ordered to manage the Conference concerning the Bishop of *Ely*.

The House of Commons receiving a Report of the Queen's Desire to go to the *Spaw* for the Recovery of her Health (which her Majesty alledged was much impaired by some Discontents of Mind, and false Rumours and Libels spread concerning her) they fell into Debate thereupon, and desired



desired a Conference with the Lords, who did agree with the Commons, to desire his Majesty to perswade the Queen to stay her Journey into *Holland*: And that a Committee of both Houses may attend for that Purpose.

Hereupon the King declares, That he will give both Houses a Meeting this Day in the Banqueting-House, about the Queen: At which time these Considerations following, for stay of the Queen's Journey, were presented to his Majesty, *viz.*

*Considerations to be offered to stay the Queen's Journey.*

I. **T** Here is great Cause to doubt, lest the Papists have some Design upon her Majesty's Journey; because the House hath been informed, that divers of them have sold off their Lands to a good Value, and used other Means to get ready Money. 2. It is observed some of them have been very diligent, gathering great Quantities of Gold. 3. It is informed, that more than an ordinary Number of Papists are gone beyond Sea already, and those of the better Sort.

II. The great Number of *English Fugitives* now beyond the Seas, who by their late Designs and Practices are known to be full of Malice to the State, and will, no doubt, seek all Opportunities of Access to her Majesty; and, as much as they can, labour to infuse into her such *Evil Counsels*, as may trouble the Peace of the Kingdom, whereof at this Time there is more Danger, because the Affairs of the Kingdom are not yet fully settled; and upon disbanding of the Army, all Parts will abound with Soldiers, and such others as will be apt to be provoked to Tumults and Seditions, especially in the Time of the King's Absence in *Scotland*.

III. That the House of Commons have received Informations of great quantity of Treasure, in Jewels, Plate, and ready Money pack'd up, to be convey'd away with the Queen; not only in such a Proportion as the present Occasions, with due Respect to her Majesty's Honour, may seem to require; but a far greater Quantity; and that divers Papists and others, under Pretence of his Majesty's Goods, are like to convey great Sums of Money and other Treasure beyond the Seas; which will not only impoverish the State, but may be employed to the fomenting of some mischievous Attempts, to the trouble of the publick Peace.

IV. That as it will be a great Dishonour to the State, if her Majesty should not be attended and furnish'd suitable to her Quality, so it will be a very heavy Burden in this Time of great Necessity, and Occasions of other publick Charges, if she shall be provided in so Royal a Manner, as shall be fit for her Majesty, and the Honour of the King and Kingdom.

V. That because we understand by Sir *Theodore Mayern*, that the chief Cause of her Majesty's Sicknes and Distemper, proceeds from the Discontent of her Mind, the House of Commons hath thought good to declare, That if any thing within the Power of Parliament may give her Majesty Contentment, they are so tender of her Health, both in due Respect of his most Excellent Majesty and her self, that they will be ready to further her Satisfaction in all Things, so far as may stand with the Publick, to which they are obliged.

VI. That the Commons conceive it will be some Dishonour to this Nation if her Majesty should, at this unseasonable Time, go out of the Kingdom upon any Grief or Discontent received there; and therefore we shall labour by all good Means, to take away and prevent all just Occasions of her Majesty's Trouble, in such manner as may further her Content, and therein her Health; which will be a very great Comfort and Joy to our selves, and the rest of his Majesty's loving Subjects.

Upon

16 Car.

July 14.



An. 1641.

The Queen  
gives Thanks  
to both Hou-  
ses of Parlia-  
ment.

July 17.

July 17.  
Lord Cham-  
berlain and  
Lord Mow-  
bray sent to  
the Tower.

That no Am-  
bassador re-  
tain any  
Priest that is  
a Native.  
July 17.

Mond July 19.  
Inigo Jones,  
and St. Gre-  
gory's Church  
Bill against  
John James,  
who stabb'd  
Heywood.  
July 20.

Upon these Reasons, his Majesty being well satisfied, desired they would take a convenient Time to satisfy the Queen concerning it.

And her Majesty soon after sent a Message to both Houses, to the Effect following, *viz.*

‘ I give many Thanks to both Houses of Parliament, for their Care of my Health, and their Affection to my Happiness : I hope I shall see the Effect of it. Truly, nothing but my Health could have made me *resolve* on this Journey ; and if I thought I could serve the King and this Kingdom with the hazard of my Life, I would do it. And I hope you believe I have so much Interest in the Good of this Kingdom, that I shall never wish any thing to the Prejudice of it.

Both Houses afterwards, by a Committee of Six Lords, and Twelve of the Commons, made an humble Address to her Majesty, and returned *Thanks* to her Majesty for this Gracious Message ; declaring, That they have with very much Comfort and Thankfulness received that Gracious Message, whereby your Majesty hath been pleased to declare your Resolution to stay your intended Journey at their humble Desire ; which, they hope, will be no Prejudice for the Recovery of your Health, but rather an Advancement of it, by that Contentment which you will receive from the continual Expressions of their Affection and Zeal for your Service ; and their Endeavours shall concur in all Things to your Majesty's Welfare and Prosperity.

A Committee of Lords sitting this Day, touching the Priviledges of Parliament, a great Controversie, or falling out in Words, happen'd between the Earl of *Pembroke*, Lord Chamberlain, and the Lord *Mowbray* : Upon which, the Committee rising, Complaint was made to his Majesty, and they thereupon both confined to their Chambers ; and the next Day, upon the hearing of the Matter in the House, they were both committed to the *Tower*. The Earl of *Pembroke* about a Week after, by his Petition to the House of Lords, made his Submission, and desired that he might be discharged of his Imprisonment, and have leave to retire into the Country to live privately. And soon after, both he and the Lord *Mowbray* were discharged ; and the Earl of *Pembroke* took his leave of the Court.

A Message from the King, That his Majesty thinks fit, that all Ambassadors should have it declared unto them, in his Majesty's Name, that they retain no Priest Native in any of his Majesty's Dominions, That the Priest now apprehended, belonging to the *Venetian* Ambassador, do depart the Kingdom, and not return again at his Peril : This Favour his Majesty thinks fit to shew, because the Ambassador is ignorant of the Laws of the Land.

The Charge ingrossed against *Inigo Jones* upon the Complaint of the Parishioners of *St. Gregory's*, (being employed to pull down *St. Gregory's* Church, near *Paul's*) was read.

The Report was made of the Bill for Forfeiture of the Lands of *John James*, who stabbed Mr. *Heywood*, and the further Punishment of him, deferred to another Time.

The Articles of Impeachment against Bishop *Wren*, were carried up to the Lords, and a smart, aggravating Speech made at the Delivery of them, by Sir *Thomas Widdrington*.

Articles



*Articles of Impeachment against Matthew Wren, Doctor in Divinity, late Bishop of Norwich, and now Bishop of Ely.*

**T**Hat the said *Matthew Wren*, being Popishly and Superstitiously affected, did, at his first coming to be Bishop of *Norwich*, which was in the Year 1635, endeavour by sundry Ways and Means to suppress the powerful and painful Preaching of the Word of God, did introduce divers Orders and Injunctions, tending to Superstition and Idolatry, did disturb and disquiet the orderly and settled Estate of the Ministers and People, and Churches of that Diocese, to the great Prejudice of his Majesty, the great Grief and Disquiet, and hazard of the Estates, Consciences, and Lives of many of his Majesty's Loyal Subjects there, to the manifest bringing in and encreasing of Prophane-ness, Ignorance and Disobedience in the common People, as by the Particulars ensuing may appear.

I. Whereas many Chancels of Churches, during all the Time of Queen *Elizabeth*, King *James*, and of his Majesty that now is, had laid and been continued even and flat, without any Steps ascending towards the East end of the same, and are by the Rubrick in the Book of Common-Prayer, ordered to continue as they were, and so ought to have continued; he, of his own Mind and Will, without any lawful Warrant or Authority, in the Year 1636, being then Bishop of *Norwich*, ordered and enjoined, that the same should be raised towards the East end, some two, some three, some four Steps, that so the Communion-Table there placed Altarwise, might be the better seen of the People.

II. He in the same Year 1636, ordered, That the Communion-Table, which is appointed by the said Rubrick, at the Time of the Celebration of the Holy Communion, to be placed in the Body of the Church or Chancel, where Divine Prayers are usually read, and where the People might best hear, should be set up close under the Wall at the East end of the Chancel, Altarwise, and not to be removed from thence; whereby the Minister, who is by the Law to officiate at the North side of the Table, must either stand and officiate at the North end of the Table so standing Altarwise, or else after the Popish and Idolatrous Manner stand and officiate at the West side of the Table, with his Back towards the People.

III. He in the same Year 1636, enjoined that there should be a Rail set on the top of the new raised Steps before the Communion-Table, so set Altarwise as aforesaid, which Rail should reach from the South side of the Chancel to the North within, which the Minister only should enter, as a Place too Holy for the People, and some of the People were punished for entering into it, as namely, *Daniel Whayman*, and others.

IV. The more to advance blind Superstition, he in the same Year 1636, ordered that all the Pews in the Churches should be so altered, that the People might kneel with their Faces Eastward, towards the Communion-Table so set Altarwise, as aforesaid; and that there should be no Seats in the Chancel above, or on either side, even up with the said Table.

V. He in the same Year 1636, enjoined that every Minister, after he had finished the reading of some part of Morning-Prayer at the Desk, should go out from the same to the Holy Table, set Altarwise, as to a more holy Place, and there, when no Communion was to be administered, read at the said Table a part of the Communion-Service, now commonly called the second Service, whereby the Consciences, both of the Ministers and People, have been not only very much offended and grieved, but also the Service it self was made very unprofitable to the People, who could not hear what was said or prayed in that Place.

VI. That both he in his own Person, his Chaplains, and others of the Clergy; as namely, *Mr. John Norwel*, *Mr. William Guest*, *Mr. John Dunckon*, and others, following his Example, did ever, after the Table was so set Altarwise, use and perform such, so many, and so frequent Bowings, and Adorations, Examples, to draw others to the like superstitious Gestures, as have given great Scandal and Offence to the Sound, Sincere, and Well-affected Christians.



An. 1641.

VII. He in the said Year 1636, enjoined all the People to come up to the Rail to receive the Holy Communion, and there kneel and do Reverence before the Holy Table placed Altarwise, and gave Directions to the Ministers, not to Administer the Communion to such People as should not so come up, and do such Reverence as aforesaid; and that the Minister should within the Rail deliver the Bread to such People only as should so come up and kneel before the said Table as aforesaid; This was an Offence to the Consciences of many good People, who for fear of Idolatry and Superstition, durst not come to kneel at the said Rail before the Table so placed Altarwise; and many People not coming up thither, though Presenting themselves upon their Knees in Chancel, have not had the Communion delivered unto them; and afterwards for not receiving have been Excommunicated; as namely, *John Shyming, Samuel Dunckon, Peter Fisher, Thomas Newton, Edward Bedwell, Edmund Day, John Frowar*, and many others.

VIII. He did in the same Year 1636, enjoin and command, that there should be no Sermons on the Lord's Day in the Afternoon, or on the Week Days at all, without his License; and also enjoined that there should be no Catechising; but only such Questions and Answers as are contained in the Book of the Common-Prayer, not allowing the Ministers to expound or open the Points of the same to the People: He and his Under Officers affirming in publick Places that such an Exposition might be as ill as a Sermon; and the more to hearten and confirm the People in prophaning the Lord's Day, he enjoined the Ministers to read publickly in their Churches, a Book published touching Sports on the Lord's Day; for not reading whereof, some Ministers were by the Command and Directions of the said Bishop, Suspended, viz. *Mr. William Leigh, Mr. Richard Proud, Mr. Jonathan Burr, Mr. Matthew Brownrigg, Mr. Mott*, and divers others; some deprived, *Mr. Powell, Mr. Richard Raymond, Mr. Jeremy Burrowes*, and some otherwise troubled; by all which, Knowledge was suppressed, and Ignorance and Prophaneness introduced in that Diocess.

IX. There having been formerly two kinds of ringing of Bells, and calling People to the Church in that Diocess, viz. one kind when there were only Prayers to be read, and another kind when there were both Prayers to be read and a Sermon preached, whereby the People did apply themselves to the Service of God in those Places, where both Prayers and Preaching was to be: He, to hinder the People in their good Desires in serving of God, and edifying their Souls, did in the same Year 1636, command and enjoin, that there should be no Difference in ringing of Bells to Church when there was a Sermon, and when there was none.

X. Whereas many godly Ministers, for the preventing of the great Sin in the People of unworthy receiving of the Holy Communion of the Lord's Supper, did use to preach two or three Days before every Communion, a Preparation Sermon, to prepare and instruct the People in the right and worthy receiving of the Communion he the said Bishop did, in the said Year 1636, forbid Ministers to preach any such Preparation Sermon in that Diocess; as namely, *Mr. Devereux, Mr. Swan*, and other Ministers.

XI. Whereas all godly Ordinances are sanctified and made fruitful by the Blessing of God upon them by Prayer, he endeavouring to suppress the Benefit and Power of Prayer in the Year 1636, enjoined, that no Minister should use any Prayer before his Sermon, but move the People to pray only in the Words of the Fiftieth Canon, made Anno 1603, which Canon was not warranted by the Law, and that no Prayer should be used before or after the Sermon; and he in his own Person having been at the Sermon in the Town of *Ipswich*, when the Preacher did use or make any other Prayer, did sit upon his Seat, without using or giving any Reverence of Kneeling, or otherwise, thereby to discountenance such Prayer; and he, in the said Year 1603, enjoined that no Prayer should be made in the Pulpit for the Sick, and that such as were prayed for in the Reading-Desk, should be prayed for only in the two *Collects* prescribed for the Visitation of the Sick in private Houses.

XII. He, the more to alienate the Peoples Hearts from hearing of Sermons, in the said Year 1636, commanded and enjoined all Ministers to preach constantly in their *Hood* and *Surplice*, a thing not used before in that Diocess, and much offensive to the People, as a scandalous Innovation; and the Pa-

ishioners



rishioners of *Knatshall* wanting a *Surplice*, he did by his Officers, in the Year 1637. enjoin the Churchwardens there, that no Prayers should be read in that Church, till they had got a *Surplice*; which they not getting for the space of two Lord's days after, had no Prayers during that time there.

XIII. That during the time of his being Bishop of *Norwich*, which was about two Years and four Months, there were, for not reading the second Service at the Communion Table set Altarwise, for not reading the Book of Sports, for using conceived Prayers before and after Sermons, and for not observing some other illegal Innovations by him and his Under Officers, by and upon his Directions and Injunctions, sundry godly, painful, preaching Ministers, that is to say, Master *William Powel*, Master *John Carter*, Master *Robert Peck*, Master *William Bridges*, Master *William Green*, Master *Mott*, Master *Richard Raymond*, Master *Thomas Scott*, Master *Greenhill*, Master *Nicholas Beard*, Master *Hudson*, *Robert Kent*, *Jeremy Burrows*, Master *Thomas Allen*, and others, to the Number of Fifty, excommunicated, suspended or deprived, and otherwise censured and silenced, to the undoing of many of them, their Wives and Children; and they could not be absolved without giving Promise to conform to his Directions, *editis & edendis*; by Means whereof some Ministers were enforced to depart this Realm into *Holland*, and other Parts beyond Sea, *viz.* the said Master *Thomas Bridges*, Master *Jeremy Burrows*, Master *Thomas Allen*, Master *John Ward*; and others of *Norwich*, to remove into other peaceable Diocesses, as namely, Mr. *Edmund Calamy*, Mr. *Broom*, Mr. *Beard*, and others; and some of them so prosecuted, as hath been suspected to be the cause of their Deaths, as namely, Mr. *Thomas Scot* and others; the Terror of which Proceedings hath caused other Ministers to leave their Cures, and go away, *viz.* Mr. *William Kirington*, Mr. *Thomas Warren*, Mr. *John Allen*, and others; and if a Stranger preached at the Cure of such a Parson suspended, the Church-Wardens permitting such Parson so to preach, were enjoined Penance, and otherwise troubled; as namely, the Church-Wardens of *Snailwell*, and the Stranger for Preaching, was also therefore molested, *viz.* Mr. *Ash*, Mr. *Eades*, Mr. *Manning*, and other Ministers.

XIV. That during the Time he was Bishop of the said See of *Norwich*, he did unlawfully compel the Inhabitants of the several Parishes within that Diocese, to raise the Floors of the Chancels of their respective Churches, to rail in their Communion-Tables, to remove the Pews and Seats, and to make other Alterations in the respective Churches, in the doing whereof the said Inhabitants were put to great, excessive, and unnecessary Charges and Expences, amounting in the whole, to the Sum of Five thousand Pounds and upwards; which said Charges and Expences, he did by unlawful Means and Courses, enforce the said Inhabitants to undergo; and such of the said Inhabitants as did not obey the same, he did vex, trouble, and molest by Presentments, Citations, Excommunications, tedious and frequent Journeys, and by Attendances at the Courts of his Chancellor, and other his Officials, *viz.* the Church-Wardens of *Kinne*, *Ipswich*, *St. Edmundsbury*, and others.

XV. That for not coming up to the Rail to receive the Holy Communion, kneeling there before the Table Altarwise, for not standing up at the Gospel, and for not observing and performing of his unlawful Innovations and Injunctions, many other of his Majesty's Subjects, *viz.* *Peter Fisher*, *Samuel Duncon*, *James Percival*, *John Armiger*, *Thomas King* and others, have been by him, his Chancellors, Visitors, Commissaries, and Officials, by Commands and Injunctions, much molested, disquieted, and vexed in their Estates and Consciences, by Citations to the Courts, long Attendance there, Dismission, Fees, Excommunications, Penances, and other Censures.

XVI. That by reason of the rigorous Prosecutions and Dealings in the last precedent Articles mentioned, and by Reason of the continual Superstitious Bowing to and afore the Table set Altarwise, the Suspending, Silencing, Driving away of the painful Preaching Ministers, the suppressing and forbidding of Sermons and Prayers, the putting down of Lectures, the suppressing Means of Knowledge and Salvation, and introducing Ignorance, Superstition, and Prophaneness, many of his Majesty's Subjects, to the Number of Three thousand, many of which used Trades, Spinning, Weaving, Knitting, and making of Cloth, Stuffs, Stockings, and other Manufactures of Wool; that is to say, *Daniel Sunning*, *Michael Metcalf*, *John Berant*, *Nicholas Metcalf*, *John Derant*, *Busby*,

16 Car.



An. 1641.

*Busby, Widow Maxes, Richard Cock, John Dicks, Francis Laws, John Senty, and many others; some of them setting an Hundred poor People on Work, have removed themselves, their Families and Estates into Holland, and other Parts beyond the Seas, and there set up and taught the Natives there, the said Manufactures, to the great Hindrance of Trade in this Kingdom, and to the Impoverishing and bringing to extream Want, very many who were by those Parties formerly set on Work, to the great Prejudice of his Majesty and his People.*

XVII. That he the said Bishop, finding the People to distaste his Innovations, hath often in publick and private Speeches, declared in the said Year 1636, that what he did in the same, was by his Majesty's Command; whereby he, contrary to the Duty of his Place, which he held under his Majesty, being Dean of his Majesty's Royal Chappel, and contrary to the Duty of a Good and Loyal Subject, endeavoured to free himself of Blame, and to raise an ill Opinion of his Royal Majesty in the Hearts of his loving Subjects.

XVIII. That he the said *Matthew Wren*, being Bishop of *Norwich* in the said Year 1636, in the *Tower Church* in *Ipswich*, and other Places, did in his own Person use Superstitious and Idolatrous Actions and Gestures in the Administration of the Lord's-Supper, Consecrating the Bread and Wine, standing at the West side of the Table with his Face to the East, and his Back towards the People, elevating the Bread and Wine so high, as to be seen over his Shoulders; bowing low, either to or before them; when he, after the Elevation, had set them down on the Table.

XIX. That he, the more to manifest his *Popish* Affections, in the said Year 1636, caused a *Crucifix*, that is to say, the Figure of *Christ* upon the Cross, to be engraven upon his Episcopal Seal, besides the Arms of the See.

XX. That he hath chosen and employed such Men to be his Commissioners, Rural Deans, and to be his Household Chaplains, whom he knew to be, and stand affected to his innovated Courses, and to *Popish* Superstition, and to be erroneous and unsound in Judgment and Practice, as namely, *Mr. John Nowell, Mr. Edmund Mapletoft, Mr. John Dunkin, Mr. Boucke, Mr. Dun* and others.

XXI. That he hath very much oppressed divers Patrons of Churches, by admitting, without any colour of Title, his own Chaplains, and others whom he affected, into Livings which became void within his Diocese; unjustly enforcing the true and right Patrons to long and chargeable Suits to evict such Incumbents, and to recover their own Right; some of which he did against his Priestly Word given to the said Patrons, or their Friends, *in verbo Sacerdotis*, not to do the same; this he did in the Case of one *Mr. Rivet*.

XXII. That he and others, in the Year 1635, sold, or granted away the Profits of his Primary Visitation for Five hundred Pounds, over and above the Charges of the Visitation, and for the better Benefit of the Farmer, set forth a Book in the Year 1636, intituled, *Articles to be enquired of within the Diocese of Norwich*. In the first Visitation of *Matthew Lord Bishop of Norwich*, consisting of 139 Articles; and wherein are contained the Number of 897 Questions, according to all which, the Church-Wardens were enforced to present upon Pain of Perjury; and some Church-Wardens, that is to say, *Robert Langley, Charles Newton, Richard Hart, William Bull, and Zephany Ford*, and others, not making Presentments accordingly, were cited, molested and troubled, and enjoined Penance; notwithstanding many of the said Articles were ridiculous and impossible.

XXIII. That the Church-Wardens, and other Men sworn at the Visitation, were enforced to have their Presentments written by Clerks, specially appointed by such as bought the said Visitation, to whom they paid excessive Sums of Money for the same; some two and twenty Shillings, as namely, *Richard Hurrell, John Punchard*, and others; some more, some less, for writing one Presentment, to the grievous Oppression of his Majesty's poor Subjects in that Diocese.

XXIV. Whereas by the Laws of this Realm no Tithes ought to be paid out of the Rents of Houses; nor is there any Custom or Usage in the City of *Norwich* for such Payments, yet the said Bishop endeavoured to draw the Citizens, and other the Inhabitants within the said City, against their Wills and Consents to pay two Shillings in the Pound, in lieu of the Tithes of Houses within the several



several Parishes of the said City, unto the Ministers there of the said respective Parishes; and the better to effect this his unjust Resolution, he did by false and undue Suggestions in the Fourteenth Year of his Majesty's Reign that now is, procure his Majesty to declare under his Highness's Great Seal of *England* his Royal Pleasure, That if any Person within the said City shall refuse to pay according to the said Rate of two Shillings in the Pound unto the Minister of any Parish within the said City; that the same be heard in the Court of *Chancery*, or in the Consistory of the Bishop of *Norwich*; and that in such Case no Prohibition against the said Bishops of *Norwich*, their Chancellors or Commissioners in the said Courts of Consistory, be granted; and if any such Writ be at any Time obtained, the Judges so granting the same, upon sight of his Highness's said Order, shall forthwith grant a Consultation to the Minister, desiring the same; which said Order and Decree under the Great Seal of *England* tended to the Violation of the Oaths of the Judges, and was devised, contrived, and made by the said Bishop; and afterwards by his evil Counsels and false Surmises he did obtain his Majesty's Royal Consent thereunto, and by Colour of the Order aforesaid, and other the Doings of the said Bishop, the Citizens and Inhabitants of *Norwich* aforesaid, viz. *John Collar*, *Judith Perkeford*, and others, have been enforced to pay the said two Shillings in the Pound in lieu of Tithes; or else by Suits and other undue Means been much molested, and put to great Charges and Expences, contrary to the Law and Justice.

XXV. That he assumed to himself an Arbitrary Power, to compel the respective Parishioners in the said Diocese, to pay great and excessive Wages to Parish Clerks, viz. the Parishioners of *Yarmouth*, *Congham*, *Tostock*, and others, commanded his Officers, that if any Parishioner did refuse to pay such Wages, they should certify him their Names, and he would set them into the High Commission Court for Example of the rest, and that one or two out of *Ipswich* might be taken for that Purpose.

And the said Commons by Protestation saving to themselves the Liberty of exhibiting at any Time hereafter any other Accusation or Impeachment against the said *Matthew Wren*, late Bishop of *Norwich*, and now Bishop of *Ely*; and also of replying to the Answer that he the said *Matthew Wren* shall make unto the said Articles or any of them, or of offering Proof of the Premises, or any other Impeachments or Accusations that shall be exhibited by them, as the Case shall, according to the Course of Parliaments, require, do pray that he the said *Matthew Wren* may be called to answer the said several Crimes and Misdemeanours, and receive such condign Punishment as the same shall deserve, and that such further Proceedings may be upon every of them had and used against him, as is agreeable to Law and Justice.

The Petition of *Sir William Lambton*, of *Lambton* in the County *Palatine* of *Durham*, complaining of the Project upon Salt to the Ruine of his Salt Panns at *Sunderland* in the said County; ordered to be referred to the Committee of Grievances, and the Patent complained of to be brought in, and no Execution to be done thereupon.

Cessation of Arms agreed unto for fifteen Days longer, if the Treaty so long last.

Ordered, That no Members of the House do deliver out any Copy or Notes of Things brought into the House, propounded or agitated in the House, and that no Printers do print any such Notes if brought unto them, under Pain of being guilty of the same Penalty the Authors should undergo.

That the House do consider of some secure way to transport Fullers Earth into *Nottinghamshire* and *Lincolnshire*; so that it be not exported beyond Seas.

Ordered, That the Pamphlet Entituled, *The Order and Form for Government by Bishops, &c.* be referred to the Committee for Printing.

This Day the Earl of *Essex* was sworn Lord Chamberlain of his Majesty's Household.

Ordered, That the Information given concerning an Oration made in the University of *Cambridge*, touching the Decay of Learning, &c. by *Dr. Holdsworth* the Vice-Chancellor; wherein it was alledged were great Reflections on the Parliaments Proceedings, be referred to a Committee.

That the Committee do hasten the Remonstrance of the State of the Kingdom and of the Church, and in what State this Parliament found it.

*Sir William Lambton's* Petition against the Salt Patent, July 21.

Cessation of Arms, July 22  
No Members to deliver out any Copies or Notes.

Order concerning Fullers Earth, July 23.

A Pamphlet referred to the Committee.

Earl of *Essex* made Lord Chamberlain  
An Oration in the University concerning Decay of Learning refer'd  
Remonstrance to be hastened.



An. 1641.

Tryal by  
Battel, July  
24.Votes con-  
cerning Mr.  
Piercy and o-  
thers concer-  
ned in the  
Plot, July 24.

*Richard Lilburn's* Petition was read, setting forth how often he had joined Issue for Trial by Battel for Lands in Value of above 200 *l. per Annum*, and had brought down his Champions several Times to the Assizes at *Durham*; but were from Time to Time put off from a Trial by Combate by the Judges, who still found some Error in the Record, that the Trial could not proceed: The House afterwards ordered a Bill to be brought in to take away Trial by Battel.

The House of Commons resum'd the Consideration of the Plot, to bring up the Army against the Parliament, whereupon it was

Resolv'd, That Mr. *Henry Piercy* in the Months of *March* and *April* last, in the Parish of *St. Martins* in the County of *Middlesex*, did Compass, Plot and Conspire with others, to draw the Army together, and employ the same against the Parliament, and by Force and Dread thereof, to compel the Parliament to agree to certain Propositions by them contriv'd, and to hinder and interrupt the Proceedings of the Parliament. The like Resolution in the same Words concerning Mr. *Fermin* and Sir *John Suckling*.

Resolv'd, That in pursuance of the said Design, the said *Henry Piercy* by the Plot and Combination aforesaid, did endeavour to perswade divers Members of the House of Commons of the said Parliament, and others, being Officers of the said Army, (that is to say, *Wilmot*, *Ashburnham*, *Berkely*, *Pollard*, and *Daniel O-Neile*) that they were disoblig'd by the Parliament, thereby to incense them, and to affect them against the Parliament, and did hold divers Consultations with the said Parties, to effect the said wicked and dangerous Design; and to that Purpose did set down in Writing certain Propositions, to the Effect as followeth, viz. The preserving of Bishops in thier Functions and Votes. The not disbanding of the *Irish* Army until the *Scotch* were disbanded. And the endeavouring to settle the King's Revenue to the Proportion it was formerly.

And upon *July* the 26th, it was further resolv'd, That the said *Henry Piercy* did in Pursuance of the Plot and Combination aforesaid, and for the more secret Carriage thereof, administer to the said Parties a wicked and unlawful Oath, whereby they did swear upon the Holy Evangelist not to reveal any thing that was spoken concerning the Business that was in Consultation, directly or indirectly, nor to think themselves absolv'd by any other Oath that should be after taken by them, from the Secrecy enjoined by the said Oath.

Resolv'd, That the said *Henry Fermin*, at the Time the said Oath was taken, and at divers other Times, did propound, and endeavour to perswade the Persons before-named, and other Officers of the said Army, to put the said Army into a Warlike Posture, and to bring them up to *London*, and likewise make themselves sure of the *Tower*, and so by Force compel the Parliament to conform to the Proposals; and he with *Suckling*, &c. did endeavour to work a Belief in the said Army, that the King and Parliament would disagree, and so to perswade them to adhere to his Majesty against the Parliament, and said, That all the *French* about the City of *London* would assist them; and to the great Scandal of the King, that the Prince and the Earl of *Newcastle* were to meet the Army at *Nottingham* with a Thousand Horse, and that *Suckling* to encompass the Design of gaining the *Tower*, did contrive that a Hundred Men under Captain *Billingsley* should be design'd for that Purpose when the Opportunity was offer'd; to the end, the City of *London* should not be able to make any Resistance when the said Army should come up, according to the forementioned Design. And *Suckling* by the Means and Plot aforesaid, did thereby endeavour, that the Earl of *Strafford*, then Prisoner in the *Tower*, might the better encompass his Escape.

That Sir *John Berkely* and *Daniel O-Neile* being questioned, did fly for the same.

Monday, July  
26.  
Sir H. Martin.

The Lords sat upon the Impeachment against the Judges and Bishop *Wren*; and appointed a Committee to sit upon a Complaint against Sir *Henry Martin*, Judge of the Admiralty, for a pretended false Sentence given in his Court against a *French* Merchant.

Ship-Money

The Commons debated the Bill against Ship-Money, and added a Proviso, That all those Sheriffs that levyed the same by Force shall be sued.

Knighthood-  
Money.

They also received from the Committee the Bills against *Knighthood Money*, and for taking the Protestation throughout the Kingdom; and touching *Pluralities*.

The



The Lords sat about the Bill preferred against the Wine-Merchants, that they might not bring over any sophisticated or corrupt Wines, and that upon finding of any such, it should be staved and destroyed, which was referred to a Committee.

A Petition read in the House of Commons out of *Oxfordshire*, subscribed with abundance of Hands against the Bishops.

A Conference between the Lords and Commons touching a Message from the King, that He intended to set forwards on his Journey for *Scotland* on the 10th of *August*, as also a Letter imparted by His Majesty, sent to Him from the King of *Spain*, desiring He might have all the *Irish* Army sent over to Him as they were Disbanded; upon which there was a Committee appointed further to consider of it.

A Letter read from the Earl of *Holland*, desiring that both Armies might be Disbanded together, for the Honour and Safety of the Kingdom.

The Queen of *Bohemia* returns thanks to the Parliament, for their Regard and Consideration of her.

The Commons desired a Conference with the Lords about Disbanding of the Armies: At which they desired that both Armies should be Disbanded by the 9th of *August*. And that because Moneys could not be raised for the full Satisfaction of the *Scots*, that 80000 *l.* should be forthwith paid to the Commissioners here, and 80000 *l.* more shall be sent to *Edinburg*, to meet their Army at their Arrival there. But the Lords declined to agree the certain Day for Disbanding, because the Treaty was not fully ended with the *Scots* Commissioners.

Another Conference concerning the King's Journey into *Scotland*, the Commons desiring that his Majesty be Requested to appoint a *Custos Regni*, or Lieutenant, during His absence out of the Kingdom; and amongst other things in Special, to give the Royal Assent, and do such other things as his Majesty might do in Parliament.

The House falling into debate concerning Sir *John Berkley* and *D. O-Niele*, their being concern'd in the Plot to bring up the Army; It was resolv'd that the said Sir *John Berkley* and *D. O-Neile* being questioned for the said Plot, did fly for the same; whereupon they were both ordered to Prison.

The Bill for taking the Protestation being carried up to the Lords, upon debate thereof they Voted, That they approved of the Houses taking it in particular, but not for the general taking of it throughout the Kingdom, and so cast the same out of the House: Upon which the House of Commons taking notice thereof, and conceiving that the Bishops were the chief Cause of rejecting their said Bill, appointed a Committee for their Impeachment for making of the late *Canons*; And then also Voted, that no *Popish* Lords ought to have Vote in the Lords House in matters of Religion.

And then pass'd the Votes following.

*Die Veneris, 30th July, 1641.*

Resolv'd upon the Question, That this House doth conceive, that the Protestation made by them, is fit to be taken by every Person that is well-affected in Religion, and to the Good of the Common-wealth; and therefore doth declare, That what Person soever shall not take the Protestation, is unfit to bear Office in Church or Common-wealth.

Resolv'd, &c. That the Knights, Citizens and Burgeses, and the Barons of the *Cinque-Ports* respectively, shall forthwith send down to the several Places for which they serve, Copies of this Vote of the House concerning the Protestation.

Resolv'd, &c. That these Votes shall be Printed, and Attested under the Clerk's Hand.

The Printers this Day preferr'd a Bill to the House of Commons for Regulating their Mystery, and that no Books be Printed without License.

The Commons were upon the Printers Bill, and the Bill against Bishops.

A Report delivered in from the Treasurer of the Navy, That there is 112000 *l.* due to the Navy.

Resolv'd, That the 3000 *l.* lent by the City upon the publick Faith of this House for the furnishing of the Queen Dowager of *France* for her Journey out of this Kingdom, shall be forthwith paid.

16 Car.

July 27.  
Wines.

Petition.

July 28.  
King's Message.

Earl of Holland.

Queen of Bohemia.

July 29.  
Disbanding.

*Custos Regni*.

Berkley and O-Neile committed.

July 30. Bill for taking the Protestation, flung out by the Lords.

Printers.

Navy.

Queen Mother 3000 *l.*

The



An. 1641.

Mond. Aug. 2.  
Conference  
between the  
Lords and  
Commons  
concerning  
the Protesta-  
tion.

Custom in  
Parliament  
concerning  
Messages.

James.

Priests.

Comptroller

Aug. 3.

Mr. Hollis his  
Speech about  
printed Votes  
concerning  
the Protesta-  
tion.

The Lords having Knowledge that the Commons had caused a Paper to be printed for the enjoining the taking of the Protestation throughout the Nation, sent a bare Message to the Commons to desire a Conference, not expressing whereupon: Which the Commons took very ill, and refused to meet, as being contrary to the *Custom of Parliament*; yet afterward sent a Message, desiring to know the *Cause* of the former Message: Upon which the Lords certified, they desired a Conference about the printed Paper, for enjoining the taking of the *Protestation*: Upon which the Commons met, and the Lords shewed, that they desired there might be a fair Correspondency between both Houses, demanding whether there were any such thing voted in their House, and whether *printed* by their Order or no? The House of Commons desired Time to consider, and they would satisfy their Lordships therein.

This Day in the House of Commons there was a great Debate upon the Bill read against Mr. *James*, a Papist, for stabbing Justice *Heywood*: The Purport of the Bill being, That his Right Hand be cut off, his Lands disposed of, and Imprisonment during Pleasure.

Two Popish Priests, *Abbot, alias Rivers*, and *Turner, alias Wigmore*, committed for refusing the Oath of Supremacy.

This Day Sir *Thomas Fermyn* having resign'd his Staff, Sir *Peter Welsh* was sworn Comptroller of his Majesty's Household.

The Commons desired a Conference with the Lords concerning the Votes relating to the Protestation. And Mr. *Hollis* acquainted their Lordships, That not finding this Paper attested by their Clerk's Hand, they could not judge of it till they had resorted to his Book, wherein their Orders and Votes are entred, and where they found their Votes concerning their late Protestation, taken both by their Lordships and them, and they found the Contents of this Paper to agree in *Terminis* with what is entred in their Clerk's Book.

Then they called to mind what had passed in the House upon that Occasion when these Resolutions of theirs were voted, how they had considered of that *Protestation*, that it bound all Men to defend the Religion here established, &c.

This they conceived to be a true Test of every good Subject, a *Shibboleth* to distinguish the *Ephraimites* from the *Gileadites*, that whosoever was well-affected in Religion, and to the Good of the Commonwealth, would make this Protestation; and on the other side, who would not make it, was not well-affected.

They held it their Duties, in discharge of the Trust reposed in them by the whole Body of the Kingdom; all the Commons of *England*, who have sent them out as so many Sentinels to watch for them, to give them notice of the Good or the Evil, Friends or Enemies, coming towards them; they held it, I say, their Duties to declare their Opinions, That such a Man was not their Friend, was unfit to bear Office either in Church or State, and therefore they passed this Vote, That it was a thing fit and necessary to be done by them, and for such they do avow it.

And besides, they thought it fit to give an Account to those who had employed them, from the several Counties and Burroughs that had sent them, to give them a *Mark*, by which they might know who were good Men, lovers of their Country, fit to be entrusted with Offices, or with the Oversight of any part of Church or State; and therefore they gave order this Vote should be sent down unto all the Parts of this Kingdom.

And lastly, That it might be done speedily, and not stay the writing out of so many Copies, they gave order it should be printed, and be attested under the Clerk's Hand.

The Copies of which three Orders your Lordships have in this printed Paper, which the Commons assembled in Parliament, have commanded me to signify unto your Lordships, and that the passing of these Votes they do own, they do avow, they do justify.

With which Reasons, after some Debate, the Lords seemed satisfied.

The



16 Car.

*The Impeachment of Thirteen Bishops, sent up by Sergeant Wyld, and delivered at the Bar in the Lords House (verbally) by Order of the House of Commons.*

My Lords,

**T**HE Knights, Citizens, and Burgesſes of the Commons Houſe of Parliament, being ſenſible of the great Infelicities and Troubles which the Commonwealth hath ſuſtained by the exorbitant Courſes of the Biſhops; and knowing well what the wiſe Man ſaith, *That if Sentence be not ſpeedily executed againſt an evil Work, the Hearts of the Sons of Men are ſet upon further Miſchief;* (the timely Redreſs whereof doth better become the Wiſdom of a Parliament, than a too late woeful Repentance) have commanded me to repreſent unto your Lordſhips, That

Walter, Biſhop of Wincheſter,  
Robert, Biſhop of Coventry and Litchfield,  
Godfrey, Biſhop of Glouceſter,  
Joſeph, Biſhop of Exeter,  
John, Biſhop of St. Aſaph,  
William, Biſhop of Bath and Wells,  
George, Biſhop of Hereford,  
Matthew, Biſhop of Ely,  
William, Biſhop of Bangor,  
Robert, Biſhop of Briſtol,  
John, Biſhop of Rocheſter,  
John, Biſhop of Peterborough,  
Morgan, Biſhop of Landaff, together with  
William, Archbiſhop of Canterbury,

and others of the Clergy of that Province, at a Convocation or Synod for the ſame Province, begun at London in the Year 1640, did contrive, make, and promulge ſeveral *Conſtitutions* and *Canons* Eccleſiaſtical, containing in them divers Matters contrary to the King's Prerogative, to the Fundamental Laws and Statutes of the Realm, to the Rights of Parliament, to the Propriety and Liberty of the Subjects, and Matters tending to *Sedition*, and of dangerous Conſequence.

And to add more Weight and Efficacy to this their monſtrous Deſign, they did, at the ſame Synod, under a ſpecious and fair Title, grant a *Benevolence*, or Contribution to his Maſteſty, to be paid by the Clergy of that Province, contrary to Law. But it reſted not there, for though this had been enough to have affrighted and terrified the King's People with ſtrange Apprehenſions and Fears; yet, that theſe might not ſeem to be Contrivances of the Brain, or Fancies only, they were put in Execution, and were executed upon divers with Animoſity and Rigour, to the great Oppreſſion of the Clergy of this Realm, and other his Maſteſty's Subjects, and in Contempt of the King and of the Law.

Whether thoſe Perſons, *my Lords*, that are culpable of theſe Offences, ſhall be thought fit to have an Intereſt in the Legislative Power, your Lordſhips Wiſdom and Juſtice is able to judge.

But for theſe Matters and Things, the Knights, Citizens, and Burgeſſes of the Commons Houſe in Parliament, in the Name of themſelves and of all the Commons of *England*, do impeach the ſaid Biſhops before-named, of the Crimes and Miſdemeanors before expreſſed; and do therefore pray, That they may be forthwith put to their Answers in the Preſence of the Commons, and that ſuch further Proceedings may be had againſt them, as to Law and Juſtice ſhall appertain.

The Houſe of Commons having received Complaint of the great Charge of Sheriffs of Counties, by reaſon of Preſents, Entertainments, and other Proviſions given, and made to and for the Judges, and Fees paid to their Servants, during the Time of the Aſſizes kept. And the like Complaints of great Sums of Money that Counties, Cities, and Corporations, and Boroughs through which the King paſſeth, are enforced to pay unto his Maſteſty's Officers, as pretended

The Commons impeach thirteen Biſhops for acting in the Convocation. Anno 1640, after that was diſſolved, Auguſt 4.

Order for leſſening the Charge of Sheriffs, Auguſt 5.



An. 1641.

*Scots declare to depart with in 48 Hours after payment of their Money, Aug. 5. 28000 l. yet due to Northumberland and Durham from the Scots. More Votes concerning the Northern Counties. About a Custos Regni, or Locum Tenens, August 6. Levying of Soldiers in Ireland, Aug. 6. The Earl of Bristol's Speech upon the Conclusion of the Treaty with the Scots.*

*The Spanish Ambassador desires 12000 disbanded Men.*

*An Order for Sheriffs to repay to the Subjects the Ship-money remaining in their hands.*

ed Fees and Duties ; whereas no such are due by the Laws of this Kingdom : Doth hereby publish and declare, That they think it fit, that hereafter no such Presents, Entertainments, Provisions, or pretended Fees, or Gifts, shall be demanded, given, or paid ; nor that any Sheriff hereafter shall at the Assizes in his own County, give any Entertainment, or keep any House there for the Gentry of the County, or any other in regard of his being Sheriff, other than for his necessary Attendants. And whosoever shall do contrary to this Declaration and Vote, shall be esteemed by this House, a Person therein giving Example inconvenient to the Publick.

And it is further ordered, That the Knights, Citizens, and Burgeses of the several Counties and Boroughs for which they serve, shall forthwith send to the Sheriffs of the several Counties, Copies of this Declaration concerning the Judges, and Sheriffs, &c. to the end the same may be published, and that they have the same signed with the Hand of the Clerk.

This Day also the Commons had a Conference with the Lords, that the Judges who were impeached about the Business of Ship-money, might not go their Circuits ; which was agreed unto.

The House of Commons was this Day informed, That the Scots cannot prefix a Day precisely when to march, but do undertake to march away within Forty eight Hours after the Payment of their Monies at Newcastle, the Commissioners being now returned from the Parliament of Scotland, with approbation of the Treaty.

The House debated the Concerns of Newcastle and Durham, as to the Payment of 28000 l. due unto them for Billeting the Scots Army, &c. upon which several Votes passed.

More Votes passed concerning Money due to other parts of the Northern Counties, besides Durham and Northumberland.

That a Committee be appointed to prepare Reasons to be offered to the Lords for a Custos Regni, because in the King's Absence many emergent Occasions may happen in Parliament, where necessary use must be made of the King's Authority : Besides, it doth appear by Precedents, whenever a Parliament was sitting in the King's Absence, there was a Custos Regni, or Locum Tenens.

Sir John Culpepper reports against the levying of Soldiers in Ireland, for the Service of Foreign Princes, and concerning the speedy disbanding of the Armies : With which Report the House concurred.

The Earl of Bristol, upon the Conclusion of the Treaty with the Scots, spake to this purpose:

‘ That he had something to deliver concerning the Treaty of Rippon, of the Reasons which moved those Commissioners to agree unto it ; and though it might not be accounted so full of Glory and Honour to this Nation, as the like had been in former times, yet considering the Straight that some Persons have put this Kingdom into, he said it was a happy Conclusion both for the King and Kingdom ; but it had cost this Kingdom 1100000 l. besides Damages ; and desired that some Writing might be drawn concerning this Treaty, for Satisfaction to Posterity of the Carriage of this Business.

The House fell into Debate concerning the 12000 Men the Spanish Ambassador did desire to have of our disbanded Soldiers : It was answered, he desired no less than an Army ; which was not fit to be granted ; yet it was said, that the King was now content he should accept of three or four Thousand, if the Parliament did so advise him, and the Spanish Ambassador had disbursed Money ; and the Lords did think fit to give way to that Number ; but the Commons utterly refused to consent thereunto.

It is this day ordered by the Lords in Parliament, that Sir Thomas Powel, Baronet, late High Sheriff of the County Palatine of Chester, shall at the next General Sessions, discount and pay the Money, which he hath received for the Ship-money, and remaining now in his Hands, and not paid to the Treasurers of the Navy, to the Justices of that County, who shall distribute and repay the same, according as the Bench shall see cause ; and particularly to those Parties that can make it appear that it hath been taken from them, by Distress or other Inforcement ; and this to be general to all other Sheriffs and Collectors, who have Monies remaining in their Hands, which they have received for Ship-money, to repay the said Money in the same manner and way as aforesaid : And upon Payment of the said Monies, as aforesaid, both the said



Sir *Thomas Powel*; and also all others shall be, by virtue hereof discharged of any further Accounts touching the said Monies.

His Majesty's Answer to both Houses was signified, That his Majesty hath ever since the Parliament, taken the Advice of his Parliament concerning the Army, and therefore he gives his Consent concerning the disbanding of the Horse.

A Committee was appointed to consider of the Reasons to petition his Majesty to stay his Journey yet Fourteen Days longer.

This Day the Commons re-assumed the Debate about the King's Journey into *Scotland*, and for his Stay sometime longer, and thereupon desired another Conference with the Lords, where Mr. *Denzil Hollis* spake to the Effect following :

*Reasons delivered by Mr. Hollis, to move the King to stay his Journey into Scotland, August 7.*

I Am commanded to put your Lordships in Mind what hath passed upon this Occasion before, concerning the King's Journey to *Scotland*, that both Houses did consent to Petition his Majesty not to begin his Journey till the 10th of *August*, and to acquaint the Scots Commissioners therewith : Who afterwards desired this House to express their Resolutions in the Affirmative : Upon which the House of Commons passed a Resolution, That then, if his Majesty pleased to go, they would submit unto it.

I am commanded to declare unto your Lordships, That the House of Commons is desirous to submit unto his Majesty's good Pleasure in all Things; but such is the present Condition of this Business, as it now standeth, that they are enforced to present some further Considerations to your Lordships.

First, That when they gave this Assent, they were in hope both Armies would have been disbanded by that time ; but though there hath been all possible Means used to that end, yet it could not be fully effected. So the same Inconvenience doth still continue.

Secondly, The Treaty cannot in so short a Time be finished, being returned from *Scotland* but three Days since : But since it is ready to be finished, and Monies are provided, the Armies will be disbanded by that time we desire his Majesty to take his Journey.

Thirdly, The Distempers and Jealousies of the Kingdom are such, that they cannot be composed by passing some Acts, unless his Majesty stay the desired Time.

Fourthly, No Course is yet taken for the Government of the Kingdom in his Majesty's Absence, there being so many weighty Things to be taken into Consideration.

Upon these Reasons the House of Commons have thought fit to move your Lordships to join with us in a Petition to his Majesty to stay his Journey for fourteen Days longer ; and we make no doubt but our Brethren in *Scotland* will consider the Streight we are in, and for our Safety, condescend to our Desires. And if his Majesty yield thereunto, then we shall desire your Lordships to join with us by some express Messenger to the Parliament in *Scotland*, for the King's stay for that Time, which we hope will give them Satisfaction.

The same Day his Majesty came to the House of Lords, and made a short Speech unto them touching the Necessity of his speedy going into *Scotland* : Upon which the House of Commons fell into Debate concerning his Majesty's going; desiring first he would appoint a *Vice-Roy*, or to stay fourteen Days longer ; for that it nearly concerned the Quiet and Peace of the Kingdom, and sate till after Ten a Clock at Night, in debate of this Matter ; and ordered the House to be called over on *Wednesday* come Seven-night.

Ordered, That the Knights, Citizens, and Burgeses do send down to the Sheriff of every County, the Order of the House, requiring their Members to return, upon Pain of incurring the Displeasure of the House. And in this Case of great Necessity, concerning the Peace and Quiet of the Kindom, they ordered to sit the next Day, being *Sunday*, by Six a Clock in the Morning ;

16 Can.

August 7.  
The King  
consents to  
disband the  
Horse.

August 7.

Declaration  
that the  
House of  
Commons  
on the 7th  
Day, shall  
not be drawn  
into Prece-  
dent.

His Majesty  
came to the  
Lord's House  
and spake a  
few Words.

August 7.  
Members to  
be summon-  
ed by the  
Sheriff. The  
House of  
Commons  
do sit upon  
*Sunday* in  
case of ne-  
cessity.



An. 1641.

Sunday the  
House Sits,  
August 8.Declaration,  
that the  
Houses Sit-  
on the Lord's  
Day, shall  
not be drawn  
into Prece-  
dent.

where they met accordingly, and had a Sermon, and return'd to the House about Nine of the Clock, and sat all Day long on the Lord's Day, commonly called *Sunday*, August the 8th, 1641. But the House of Commons passed this Vote, viz.

*Resolved*, That this House shall enter into Consideration of no Business whatsoever upon this Day; but such as shall immediately concern the good and Advancement of Religion, and Safety of this Kingdom; and both Houses passed this further Resolve and

## D E C L A R A T I O N.

*Whereas* both Houses of Parliament found it fit to Sit in Parliament upon the 8th Day of August, being the Lord's-Day, for many urgent and unexpected Occasions, concerning the Safety of the Kingdom, they being so straitned in Time, by Reason of his Majesty's Resolution to begin his Journey towards Scotland on Monday following, early in the Morning; that it was not otherwise possible for to Settle and Order the Affairs of the Kingdom, either for the Government thereof in the King's Absence, or for the present Safety, as was requisite upon these present Necessities; though the Houses thought it necessary to Sit, yet the Lords and Commons now assembled in Parliament think it meet to Declare, That they would not have done this, but upon inevitable Necessity; the Peace and Safety both of Church and State being so deeply concern'd: which they do hereby declare, to the end, that neither any other inferiour Court or Council, or any other Person, may draw this into Example, or make use of it for their Encouragement, in neglecting the due Observation of the Lord's-Day.

The Treaty of Peace with the Scots being now concluded, we shall here present the Reader with that entire Negotiation.

*Articles of the Treaty concerning the establishing of the Peace betwixt the King's Majesty and his People of Scotland, and betwixt the two Kingdoms, agreed upon by the English and Scots Commissioners at Westminster, the 7th Day of August 1641.*

*Whereas* by his Majesty's Royal Wisdom, and Princely Care of the Peace and Happiness of his Majesty's Dominions, a Treaty hath been appointed for removing of all Differences raised betwixt the two Kingdoms, and betwixt the King and his Subjects of Scotland, and for settling and assuring a firm and blessed Peace for all Time to come, and a Commission hath been given under the Great Seal of England, with Approbation of both Houses of Parliament, bearing Date the 23d of November, in the Sixteenth Year of his Majesty's Reign, and in the Words following:

*The King's Commission to Treat with the Scots.*

*Charles*, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. To our right trusty, and right well-beloved Cousins, Francis Earl of Bedford, William Earl of Hartford, Robert Earl of Essex, and to our right trusty, and right well-beloved Cousin and Counsellor, William Earl of Salisbury, and to our right trusty, and right well-beloved Cousin, Robert Earl of Warwick, and to our right trusty, and right well-beloved Cousin, John Earl of Bristol, and to our right trusty, and right well beloved Cousin and Counsellor, Henry Earl of Holland, and to our right trusty, and right well-beloved Cousin and Counsellor, Thomas Earl of Berks: And to our right trusty and well-beloved, Philip Lord Wharton, William Lord Paget, Edward Lord Kimbolton, Robert Lord Brook, John Lord Pau'et, Edward Lord Howard of Eskrick, Thomas Lord Savil, and Francis Lord Dunsmore, Greeting.

Whereas divers of our Subjects of Scotland, have by their several Petitions humbly besought us that we would be graciously pleas'd to grant unto them certain Demands, we reposing especial Trust and Confidence in your great Wisdoms and Fidelities, have named, assign'd, and appointed you, and by these Presents do name, assign, and appoint you to be our Commissioners, and do hereby give and grant unto you, or any ten or more of you, full Power, and



and Authority to treat with *John Earl of Rothes, Charles Earl of Dumfermling, John Lord Loudoun, Sir Patrick Hepburne of Wachtoun, Sir William Douglas of Cavers, William Drummond of Riccarton, John Smith Bailly of Edinburgh, Alexander Wedderburne Clerk of Dundy, Hugh Kennedy Burgess of Air, Alexander Hendersone, and Archibald Johnston, or any of them.* Or any other deputed, or to be deputed by our said Subjects of Scotland, or nominated on their behalf; and to take into your Consideration the said Demands; and compose, conclude, and end all Differences arising thereupon: Or otherwise as you or any ten, or more of you in your Wisdoms shall think fit: And whatsoever you our Commissioners aforesaid, or any ten, or more of you shall do in the Premises: We do by these Presents Ratifie and Confirm the same: In Witness whereof we have caused these our Letters to be made Patents. Witness our self at *Westminster* the Three and twentieth Day of *November*, in the Sixteenth Year of our Reign.

*Per ipsum Regem.*

*And in like manner, A Commission hath been granted by the Committees of the Parliament of Scotland, bearing date the last of October, and 4th Day of November 1640. and in the words following;*

**W**E the Commissioners of the Parliament of Scotland, being a full Number of both the *Quorums* thereof undescribing; For so meikle as the Kings Majesty, our Dread Sovereign has been graciously pleas'd, upon our humble Supplications to appoint a Treaty and Conference at *Rippon* betwixt our Commissioners, chosen and sent by Us for that Effect, and a Number of the Peers of *England*, who accordingly met, and have accorded upon certain Articles as we'll anent the Maintenance of our Army, as anent the Cessation of Arms during the Treaty. And because the time for the ensuing Parliament of *England* could not permit the Treaty to come to the wished Conclusion there, His Majesty was therefore likewise pleased to transfer the said Treaty to *London*, where the said Parliament is to hold, and there those entrusted by His Majesty, and Estates of Parliament, may have the better Time and Place to conclude thereanent.

The Scots  
Commission  
to Treat.

Therefore We the said Commissioners, being a full Number of both *Quorums* thereof undescribing, by Vertue, and conform to the Commission granted to Us by the Estates of Parliament, do not only approve the said Articles already agreed upon, and subscribed by our said Commissioners at *Rippon*; but also do by these Presents give full Power, Warrant and Commission to *John Earl of Rothes, Lord Lesley, &c. Charles Earl of Dumfermling, Lord Urquhart and Fuby, &c. John Lord Loudoun, Sir Patrick Hepburne of Wachtoun, Sir William Douglas of Cavers, William Drummond of Riccarton, John Smith of Edinburgh, Mr. Alexander Wedderburne of Dundy, and Hugh Kennedy of Air, as Members of the Estates of Parliament.* And because many things may occur concerning the Church, and Assemblies thereof; Therefore besides these of the Estates, We nominate and appoint *Mr. Alexander Hendersone, and Mr. Archibald Johnston*, whom we adjoin for that Effect; with Power to them, or any Seven of them, there being always two of every Estate, to pass to the said City of *London*; and there, or at any other Place convenient (mutually to be agreed upon) to meet, and convene with any who shall be appointed by his Majesty and Estates of Parliament of *England*, for the aforesaid Treaty, giving, granting, and committing, like as We these Presents give, grant, and commit to them in manner aforesaid, full Power, Warrant, and Commission to treat, consult, advise, determine, and agree, as weell anent the satisfying, and granting of our Demands; as in obtaining, and securing a settled Peace for all time coming; conform to the Instructions given to them herewith, or wilk shall be sent to them hereafter by Us, or any one of the said *Quorums* at the Camp, or *Edinburgh* thereanent, with Power to them as said is, to do every thing necessary, that may conduce for the better, and easier obtaining of our said Demands, and establishing a settled Peace, conform to the said particular Instructions in such like manner as we might do if we were all personally present our selves in full Number, promising to hold firm and stable, all and every thing our said Commissioners in manner aforesaid, shall do in the Premises, conform to the said Instructions; and in case it shall be found Expedient or Necessary,



An. 1641.

cessair, to add any more Commissioners to the aforesaid Persons, these who shall so be sent, authoriz'd under our Hands, or the full Number of any of the said *Quorums*, shall have a like Power, and Commission by virtue of these Presents with the fore-named Commissioners, in like like manner, as if their Names were particularly express'd herein. In Witness whereof these Presents are subscrib'd at *Newcastle* and *Edinburgh*, the last of *October*, and 4th of *November*, 1640.

## Sic Subscribitur,

*Roths.*  
*Montrose.*  
*Cassils.*  
*Lothian.*  
*Lyndesay.*  
*Balmerino.*  
*Naper.*  
*Burghly.*

*Jo. Cooper.*  
*Thomas Hope.*  
*Riccarton.*  
*Caprinton.*  
*Guitgirth.*  
*Dundas.*  
*Edward Edgar.*  
*Rich. Maxwell.*

*James Scot.*  
*Gorterfield.*  
*Hume.*  
*Hamilton.*  
*Mr. Will. More.*  
*Ja. Sword.*  
*Hugh Kennedy.*  
*Rutherford.*

And forasmuch as by virtue of the said Commissions, the Commissioners therein authoriz'd, have treated, and by the Assistance and Blessing of God, have agreed upon the Heads, and Articles following.

The *Scottish* Commissioners (having given in the Declaration following, viz. We do still in all Loyalty as becomes humble and dutiful Subjects, acknowledge our Dependancy upon his Majesty as our Dread Sovereign, whether his Majesty live in *Scotland* or *England*, and shall always, and in all things witness our high Respects, and best Affections to the Kingdom and Parliament of *England*, according to the strong Bonds of Nature and Religion, by which the two Kingdoms are joyned under one Head and Monarch: Yet as we are fully assur'd that the Kingdom and Parliament of *England*, is for the present far from any thought of Usurpation over the Kingdom and Parliament of *Scotland*, or their Laws and Liberties; so for the preventing the misunderstanding of Posterity and of Strangers, and for satisfying the Scruples of others not acquainted with the Nature of this Treaty, and the Manner of our Proceedings which may arise upon our coming into *England*, and our treating in time of Parliament. We do by these declare and make known, that neither by our Treaty with the *English*, nor by seeking our Peace to be established in Parliament, nor any other Actions of Ours, do we acknowledge any Dependancy upon them, or make them Judges to us or our Laws, or any thing that may import the smallest Prejudice to our Liberties; but that we come in a free and brotherly way by our Informations to remove all Doubts, that may arise concerning the Proceedings of our Parliament, and to joyn our Endeavours in what may conduce for the Good and Peace of both Kingdoms, no otherwise than if by occasion of the King his Residence in *Scotland*, Commissioners in the like Exigence should be sent thither from *England*) did Demand, that his Majesty would be graciously pleas'd to command that the Acts of the late Parliament may be published in his Highness's Name as our Sovereign Lord, which Consent of the Estates of Parliament conven'd by his Majesty's Authority.

Whereunto it is answered and agreed, that forasmuch as the King's Majesty at the humble desire of his Subjects, did call and convene a Parliament to be holden at *Edinburgh* the 2d of *June* 1640. Wherein certain Acts were made and agreed upon, which Acts his Majesty (for the Peace and Good of this Kingdom) is pleased to publish in his own Name, with consent of the Estates, and therefore commands that the said Acts, bearing Date the 2d Day of *June* 1640. be published, with the Acts to be made in the next Session of the same Parliament; and that all the said Acts, as well of the precedent, as of the next Session, to be holden, have in all time coming the Strength of Laws, and to be universally received, and obeyed by all the Subjects of the Kingdom of *Scotland*.

His Majesty doth in the Word of a King, promise the publishing of the said Acts, in such sort as is above specified.

As for the manner of publishing the said Acts, his Majesty approves that the Declaration



Declaration of the Estates in the beginning of the Acts, and the Conclusion at the End, may be past in Silence at the publishing of the Acts, and left out in the printed Copies : And if any thing shall further occur concerning the manner of publishing the said Acts, his Majesty's Commissioner may then offer it to the Estates to be consider'd of ; his Majesty being most assured that the Estates of Parliament will have a great Care not to suffer his Majesty's Authority to be prejudic'd in the managing of these great Affairs. *Tertio Decembris, 1640.*

The Second Demand, That the Castle of *Edinburgh*, and other Strengths of the Kingdom, should with the Advice of the Estates of Parliament, according to their first Foundation be furnished, and used for Defence and Security of the Kingdom. Is agreed unto.

The Third Demand, That *Scottish* Men within his Majesty's Dominions of *England* and *Ireland*, may be freed from Censure for subscribing the Covenant, and be no more pressed with Oaths, and Subscriptions unwarranted by their Laws, and contrary to their National Oath, and Covenant approved by his Majesty.

It is thereto answer'd, and agreed in his Majesty's Name, upon *December* the 8th, 1640. That as his Majesty hath granted your first and second Demands, so do We in his Majesty's Name answer to the third, That all those who in his Majesty's Dominions of *England* or *Ireland* have been Imprison'd, Forfeited, or Censured any other way for subscribing of the Covenant, or for refusing to take any other Oath contrary to the same, shall be freed of these Censures, and shall be fully restor'd to their Liberties, Estates, and Possessions, And for time coming, that the Subjects of *Scotland*, as Subjects of *Scotland*, shall not be constrain'd to any Oath contrary to the Laws of that Kingdom, and the Religion there established : But such of the Kingdom of *Scotland*, as shall transport themselves into the Kingdom of *England* or *Ireland*, and there be settled Inhabitants, either by way of having Inheritance or Freehold, or by way of settled Trades, (by which the way of trading of the Factors of Merchants, nor of Merchants themselves is not to be understood) shall be subject to the Laws of *England* or *Ireland*, and to the Oaths established by the Laws, and Acts of Parliament in the said Kingdoms respectively wherein they live, and have their ordinary and constant Residence, and not otherways. And the *English* and *Irish* shall have the like Privilege in *Scotland*, 8 *Decembris, 1640.*

To the fourth Demand, craving that his Majesty may be graciously pleas'd to declare, as an Act of His Royal Justice, serving much to His own Honour, for the establishing of His Throne, and for the Good and Peace of both Kingdoms : That whosoever shall be found upon Tryal and Examination by the Estates of either of the two Parliaments, (they Judging against the Persons subject to their own Authority) to have been the Authors and Causers of the late and present Troubles and Combustion ; whether by labouring to make, and foment Division betwixt the King and His People, or betwixt the two Nations, or any other way, shall be liable to the Censure and Sentence of the said Parliaments respectively, Conform to the Paper of *December 9. 1640.*

It is answered, upon the 11th of *December, 1640.* That his Majesty believeth He hath none such about him ; and therefore concerning that Point, He can make no other Declaration, than that He is Just, and that all His Courts of Justice are free and open to all Men ; his Parliament in this Kingdom is now sitting, and the current Parliament of *Scotland* near approaching the time of their meeting. To either of which, He doth not prohibit any of His Subjects to present their just Grievances and Complaints, of whatsoever Nature, each meddling, and judging against the Persons subject to their own Authority. *Undecimo Decembris, 1640.*

It is further answered upon the said 11th of *December, 1640.* To your fourth Demand concerning Incendiaries, that his Majesty believeth, He hath none such about Him : Therefore, concerning that Point, He can make no other Declaration, than that He is Just, and that all his Courts of Justice are to be free and open to all Men. Our Parliament in this Kingdom is now sitting, and the current Parliament of *Scotland* near approaching the time of their meeting in either of which *Respective*, He doth not prohibit the Estates to proceed in trying and judging of whatsoever His Subjects.

And whereas it was further Demanded, that as his Majesty would not hinder any of His Subjects to be try'd and judg'd by the Parliament : So that none

after



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after the Sentence of the Parliament, should have access to his Majesty, or be maintain'd, and enjoy Places or Offices, and have Credit, or Authority to inform, and advise his Majesty, Conform to the Paper of *December 23. 1640.*

It is declar'd in his Majesty's Name upon *December 30. 1640.* Besides his Majesty's former Answers, His Majesty hath commanded Us to declare in his Name, That He will not imploy any Person or Persons in Office or Place, that shall be judged incapable by Sentence of Parliament: Nor will He make use of their Service, without the Consent of Parliament, nor grant them Access to His Person, whereby they may interrupt, or disturb that firm Peace, which He now so much desireth, He being confident that they will proceed in a fair and just Way, and (according to their several Professions) with that Respect to His Honour, which in Reason He may expect from good and dutiful Subjects, 3th of *December, 1640.*

The fifth Demand, *That their Ships and Goods, and all Damage thereof may be restored,*

Is condescended unto, and to be reciprocal; That all Ships and Goods taken at Sea, or stayed in Ports, with Damages to be restor'd on both sides. And that some summary Course be agreed upon for the Performance thereof, upon the Demands of the Particulars on both sides; Conform to the Paper of *December 30. 1640.*

And further it was agreed upon the 7th of *January 1640, 1641.* That all Ships taken and stay'd, should be reciprocally restor'd on both sides: And that the *Scottish* Commissioners having inform'd, that about fourscore Ships of *Scotland* are yet stay'd in the Ports, and are like to suffer much further Loss and Damage, if they shall not be delivered into some Hands who may have care of them. It is agreed for the more speedy Expedition of the *Scottish* Ships, and that the Owners thereof be not longer damnify'd by the want of them, *That Warrants shall be presently granted for delivery of all their Ships,* and that four thousand Pounds be presently advanced for Cauking, Sails, Cordage, and other Necessaries, for helping the present setting forth of the said Ships, and for the rest of this Article, when it shall come in the sixth Demand, it shall be agreed unto the 7th of *January 1640, 1641.*

To the Sixth Demand, Concerning the Losses which the Kingdom of *Scotland* hath sustain'd, and the vast Charges they have been put unto, by occasion of the late Troubles, and the Reparation desir'd from the Justice, and Kindness of the Kingdom of *England*, towards Relief thereof, in manner, and upon the ground express'd in the Paper of the 7th of *January 1640, 1641.*

It is answered, That this House thinks fit that a friendly Assistance and Relief shall be given towards Supply of the Losses and Necessities of the *Scots*, and that in due time, this House will take into Consideration the Measure and Manner of it, Conform to the Paper 22d of *January 1640, 1641.*

And further the Parliament upon the 3d of *February*, did declare, that they did conceive that the Sum of *three hundred thousand Pounds*, is a fit Proportion for the friendly Assistance and Relief, formerly thought fit to be give towards Supply of the Losses and Necessities of their Brethren of *Scotland*, and that the House would in due time take into Consideration the manner how, and the time when the same shall be raised; Conform to the Paper of the 3d of *February, 1640, 1641.* and given in to the Treaty upon the 5th of the said Month.

And whereas it was desired by the *Scottish* Commissioners, that the *English* Commissioners would let them know from the Parliament, the Security, Manner, and Terms of Payment, of the foresaid Sum of three hundred thousand Pounds, and of the Arrears due for Relief of the Northern Counties. It was agreed unto by Warrant, and Order of the Parliament, that they should have Fourscore thousand Pounds, as a part of the foresaid Sum of three hundred thousand Pounds, with the whole Arrears due to the Army, before the disbanding thereof, Conform to the Paper of the 26th of *May, 1641.* And given in to the Treaty upon the 27th of the said Month.

And concerning the Security for paying of the Remnant of the said Sum of three hundred thousand Pounds, which Arrear extending to two hundred and twenty thousand Pounds. It is resolv'd, and agreed unto by both Houses of Parliament, That an Act of Parliament of publick Faith, shall pass for Security thereof, and that one *Moiety*, or equal Half of the same, extending to one hundred



hundred and ten Thousand Pounds, shall be pay'd at *Midsummer* in *Anno* 1642. And the other *Moiety*, or equal Half thereof, to be pay'd at *Midsummer* in *Anno* 1643. As the Order of the Houses of Parliament of the 19th and 25th Days of *June*, 1641, doth more fully purport.

And in like Manner, whereas it was desired by the *Scottish* Commissioners, That they might know to whom they should address themselves for Payment of the Sums at the Days appointed by the Parliament, conform to the Parliament's Determination of the 19th of *June*; at what Place the Payment should be made; that a safe Conduct may be granted for the secure Transporting of the Monies to *Scotland*, at the Times of the Payment agreed upon.

It is Answer'd and Resolv'd by the Parliament, That these Earls, Lords, Commissioners, following, shall be the Persons to whom the *Scots* shall address themselves, for the receiving of the Sums at the Days appointed by the Parliament, viz. Earl of *Bedford*, Earl of *Essex*, Earl of *Warwick*, Earl of *Holland*, Earl of *Stanford*, Lord *Wharton*, Lord *Mandevill*, Lord *Brook*, Mr. *Martin*, Sir *Thomas Barrington*, Mr. *Capell*, Sir *Arthur Ingram*, Sir *Gilbert Gerrard*, Sir *Robert Pye*, Mr. *Henry Bellasis*, Sir *Walter Earl*, Sir *William Litton*, Sir *Henry Mildmay*, Sir *Thomas Cheek*, Sir *John Strangeways*, Mr. *Arthur Goodwin*, Mr. *Hampden*, Alderman *Soam*, Alderman *Pennington*.

Resolv'd upon the Question, That the Place of Payment shall be the Chamber of *London*. Resolv'd upon the Question, That a Safe-Conduct shall be granted for the secure Transporting of the Monies to *Scotland*, at the Terms of Payment agreed upon, at the Charge of the *Scots*, conform to the Paper of *June* 22, One thousand six hundred forty one Years.

To the seventh Demand, desiring, that as his Majesty hath approv'd the Acts of the late Parliament, wherein all such Declarations, Proclamations, Books, Libels and Pamphlets, as have been Made, Written or Published, against his Loyal and Dutiful Subjects of *Scotland*, are recall'd, and ordain'd to be suppressed and destroyed. So his Majesty may be pleas'd to give Order, that the same may be suppressed, recall'd, and forbidden, in *England* and *Ireland*; and that the Loyalty, Integrity, und Faithfulness of his Majesty's Subjects of *Scotland*, towards his Majesty's Royal Person and Government, may at the Closing of this Treaty of Peace, and at the Time of publick Thanksgiving for the same, be made known in all Places, and all Parish-Churches of his Majesty's Dominions. This was the more earnestly desired, and confidently expected from his Majesty's Justice and Goodness, because no Calamity or Distress hath so sore vexed, or so deeply wounded the Hearts of his Majesty's Subjects, as that their Loyalty, and Love towards their native King should have been controverted, and by the Malignancy of bad Instruments brought into Suspicion: And because they unfeignedly desire, and pray for his Majesty's Happiness, and are resolv'd by all Means, and at all Occasions to deny themselves, and what they have for his Majesty's Honour, as is more fully contain'd in the Paper of the 8th of *February*, 1640, 1641.

It is answered upon the 10th of *February*, 1640, 1641. We do agree, That all Declarations, Proclamations, Acts, Books, Libels and Pamphlets, that have been made and published against the Loyalty and Dutifulness of his Majesty's Subjects of *Scotland*, shall be recalled, suppressed and forbidden in *England* and *Ireland*. And that this be reciprocal in *Scotland*, if any such have been made or published there, in prejudice of his Majesty's Honour. And this upon diligent Inquiry, to be done by the Authority of the Parliament next sitting in *Scotland*; of which the Commissioners of *Scotland* do promise to have an especial Care. And we do also agree, that when it shall please Almighty God to grant a happy Close of this Treaty of Peace, the Loyalty of his Majesty's said Subjects shall be made known at the Time of publick Thanksgiving in all Places, and particularly in the Parish-Churches of his Majesty's Dominions; unto which we are the rather induc'd, for that you express how deeply it hath wounded the Hearts of his Majesty's said Subjects; that their Loyalty and Love to his Majesty their Native King, should be brought in Question and Suspicion: Whereas they unfeignedly desire and pray for his Majesty's Happiness, and are resolv'd by all Means, and at all Occasions to deny themselves, and what they have for his Majesty's Honour, 10th *Feb.* 1640, 1641.



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Concerning the eighth Demand, for an happy and durable Peace, which is the chiefest of all our Desires, and unto which all the former seven Articles being now agreed upon, are as many Preparations.

We do first of all desire, That all Monuments, Tokens, and Shews of Hostility, upon the Borders of the two Kingdoms, may be taken away: And that upon the Reasons and Considerations particularly express'd in the Paper of the 10th of *February*, 1640, 1641. That not only the Garrisons of *Barwick* and *Carlisle* may be remov'd, but that the Works may be slighted, and the Places dismantled.

It is answered, and agreed upon the 14th of *June*, That his Majesty is desirous, *That all Things betwixt the Kingdoms of England and Scotland, be reduced into the same State they were in before the beginning of the late Troubles.*

And therefore, he doth give his Assent to the Advice of the two Houses of Parliament: That the Garrisons of *Barwick* and *Carlisle*, upon the disbanding of the *Scottish* Army now in *England*, and of all such Forces as are gathered together in *Scotland*, be likewise presently removed; and that the Fortifications of *Barwick* and *Carlisle*, be also reduc'd to the same Condition they were before the late Troubles. So that all Fortifications in *Scotland*, be likewise put in the same Condition they were before the said Troubles; and that the Works be not repair'd, but suffer'd to decay; and that the Ordnance and Ammunition be remov'd; and that it be without Prejudice to his Majesty's former Grant of the second Demand, concerning the keeping of the Castles of the Kingdom of *Scotland*, 14th of *June*, 1641.

*To their Desire concerning Unity in Religion, and Uniformity of Church Government, as a special Means for conserving of Peace betwixt the two Kingdoms, upon the Grounds and Reasons contain'd in the Paper of the 10th of March, given in to the Treaty and Parliament of England,*

It is answered, upon the 15th of *June*, That his Majesty, with the Advice of both Houses of Parliament, doth approve of the Affection of his Subjects of *Scotland*, in their Desire of having a Conformity of Church-Government between the two Nations; and as the Parliament hath already taken into Consideration the Reformation of Church-Government, so they will proceed in due Time, as shall best conduce to the Glory of God, the Peace of the Church, and of both Kingdoms, *Undecimo Junij*, 1641.

To their Desire of the King's Majesty, and the Prince their coming, and residing sometimes in *Scotland*, upon the Reasons given in *February* the 16th, 1640, 1641.

It is answered upon the 9th of *June*, That his Majesty doth take in good part the Sense his Subjects of *Scotland* have of his Absence, and the dutiful Expression they make of their Desire to have him, and the Prince his Son frequently among them; and assuring himself, that they have no other Intention in this Demand, but meerly to express their Love to his Person, and the welfare of his ancient Kingdom. He declares unto them, that as he shall find the Urgency of those Affairs require his Presence, and his other Conveniencies here permit, he will repair thither, and the Prince his Son; so far, as he may know, and be acquainted with the People there, 9th of *June* 1641.

To the Desire, concerning the Manner of chusing and placing of the Officers of State, Counsellors and Sessioners within the Kingdom of *Scotland*, by Advice of the Parliament, upon the Grounds and Reasons given in, *March* 15th, 1640, 1641.

It is answered the 9th of *June*, in his Majesty's Name: We intend nothing more heartily and really, than that our People shall be govern'd by the Laws of the Kingdom; and that all Judges in their several Judicatories should judge accordingly.

Therefore we will never allow nor permit, that either Counsellors, Officers of State or Judges, be examined from our, and our Parliaments Trial and Censure, for the discharging of their Duties in their several Offices and Places. Likewise we conceive, that nothing will more conduce to the Good of our Service, and the peaceable and happy Government of the Kingdom; than that Officers of State, Places of Counsel and Session, and other Judicatories, be provided with honest, able, and qualified Men; for which End, and because of our necessary Absence from that Kingdom, which maketh the Qualification of Persons fit for Places less known to us,

We



We shall so far give ear to the Informations of our Parliament, and when our Parliament is not sitting, of our Council and Colledge of Justice, as that we shall either make choice of some one of such, as they by common consent upon the vacancy of the Place shall recommend unto Us: or if we shall conceive another Person to be fitter than any of these recommended, We shall make the same known to the Parliament, or in the time between Parliament, to our Council and Session, that from them we may be informed of the Qualification and Abilities of the Person named by Us; to the effect, that if by their Information it shall appear to Us, that there is just Exception against the Life and Qualification of the said Party, We may timely nominate some other, against whom there shall be no just Exception.

By which means we doubt not, but that We shall from time to time, choose such honest Men, as for their known Integritys and Abilities, shall be fit to discharge their Places and Offices, with that Duty and Sufficiency, which We and our Subjects may justly expect.

Which Intention of Ours, being now so clearly and fully express'd, We doubt not, but it will give good Satisfaction to our ensuing Parliament.

And as We never intended to remove just and able Men from their Places in the Colledge of Justice; so do We now declare for our Peoples full Satisfaction, that their Places shall be provided unto them, *Quem diu se bene gesserint.*

And if this our Answer, cannot content the *Scottish* Commissioners, We do then remit the whole Answer to be consider'd by Us, or our Commissioners, and the Parliament, at the next sitting thereof, 9th of June 1641.

To their desire of placing of some *Scottish-men* of Respect about the King and Queen's Majesties, and the Prince's Highness, upon the Grounds and Reasons given in the 9th of April, 1641.

It is answered, His Majesty's Goodness and Grace towards His Subjects of *Scotland*, in placing them about His own Person, in Places of greatest Nearness and Trust, hath been such, as ought to give them full Satisfaction of His Royal Affection towards His Subjects of His native Kingdom.

Therefore, for this Point, His Majesty needeth only to assure them, that He shall continue the same Care which hitherto He hath done for their Satisfaction in this Particular; and not only so, but shall also recommend the same to the Prince his Son, that successively the Kingdom of *Scotland* shall so taste of the Care of their Sovereigns, *That by the Grace of God, they shall never want a sufficient Number of honest, and sufficient Persons of that Nation, about the King's Person and Prince's, against whom there shall be no just Exception.* The 9th of June, 1641.

To their Desire, that none may have Place about his Majesty, and the Prince, but such as are of the reformed Religion, in manner express'd in the Paper, 1st of April, 1641.

It is answered, His Majesty doth conceive, that His Subjects of *Scotland* have no intention by this Proposition, (especially by way of Demand) to limit, or prescribe unto Him the choice of His Servants, but rather to shew their zeal to Religion; wherein His own Piety will make Him do therein, that which may give just Satisfaction to His People, 9th of June, 1641.

To their Desire given in the first of April, concerning the Copper Coin,

It is answered, Whereas the *Scottish* Commissioners have represented unto his Majesty, the great Prejudice sustain'd by the Kingdom of *Scotland*, through the Coining of Copper Money, which hath passed there this long time bygone for seven times, and above as much as the true Value and Worth thereof, contrary to the continual Custom of that Kingdom; and therefore desiring that no Copper Money be coined hereafter, without consent of the Estates convened in Parliament, who may remedy the present Prejudices the Country sustains thereby; and who upon good Consideration of the necessity thereof in time to come, may appoint such a competent Proportion as is fit, and as the Country shall require for the use of the Poor, and for Change in buying and selling of Commodities, and that the same shall not pass, but according to the intrinsic Value thereof, with the allowance of a tenth Part, or such a Proportion as the Parliament shall think fit to allow for the Impression and Workmanship in Coining. His Majesty is graciously pleas'd to recommend to the



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ensuing Parliament of *Scotland*, the whole Matter of Copper-Coin, and remits to their Consideration, to take such Order therein as they shall think fitting, not only concerning the Copper-Coin to be coined hereafter, but also the Copper-Money already coined, how the same shall take vent, and pass in Payment in Time coming, conform to the Paper of the Ninth of *June*, 1641.

*Concerning an Act of Oblivion.*

**I**T is agreed unto, That in the approaching Parliament of *Scotland*, there shall be an Act of *Pacification*; declaring, That the late Commotions and Troubles arising from the Innovations of Religion, and Corruption of Church-Government, by the Mercy of God, and the King's Royal Wisdom and Fatherly Care, are turn'd into a quiet, calm, and comfortable Peace, lest either his Majesty's Love, or the constant Loyalty of his Subjects, in their Intentions and Proceedings be hereafter call'd in question; and that such Things as have fallen forth in these tumultuous Times, while Laws were silent, whether prejudicial to his Majesty's Honour and Authority, or to the Laws and Liberties of the Church and Kingdom, or to the particular Interest of the Subject, (which to examine and censure in a strict Course of Justice, might prove an Hindrance to a perfect Peace) may be buried in perpetual Oblivion: So it is expedient for making the Peace and Unity of his Majesty's Dominions the more firm and faithful, and that his Majesty's Countenance against all Fears, may shine upon them all the more comfortably, that an *Act of Oblivion* be made in the Parliaments of all the three Kingdoms, for burying in Forgetfulness all Acts of Hostility, whether between the King and his Subjects, or between Subject and Subject; or which may be conceiv'd to arise upon the coming of any *English* Army against *Scotland*, or coming of the *Scottish* Army into *England*; or upon any Action, Attempt, Assistance, Counsel, or Advice, having relation thereunto, and falling out by the Occasion of the late Troubles preceeding the Conclusion of the Treaty, and the Return of the *Scottish* Army into *Scotland*: That the same, and whatsoever hath ensu'd thereupon, whether trenching upon the Laws and Liberties of the Church and Kingdom, or upon his Majesty's Honour and Authority, in no Time hereafter may be call'd in question, nor resent'd as a Wrong, National or Personal, whatsoever be the Quality of the Person or Persons, or of whatsoever Kind or Degree (Civil or Criminal) the Injury is supposed to be; and that no mention be made thereof in Time coming, neither in Judgment, nor out of Judgment; but that it shall be held and reputed, as though never any such Thing had been thought nor wrought: And this to be extended not only to all his Majesty's Subjects now living, but to their Heirs, Executors, Successors, and all others whom it may concern in any Time to come: And for that end, that by the Tenor of this Statute, all Judges, Officers, and Magistrates whatsoever, be prohibited and discharged of directing of Warrants for Citation, Processing, or Executing any Sentence or Judgment upon Record, or any way molesting any of his Majesty's Lieges, concerning the Premises in all Time coming. Like as that his Majesty for himself and his Successors, promiseth *in verbo Principis*, never to come in the contrary of this Statute and Sanction, nor any thing therein contained, but to hold the same in all Points firm and stable: And shall cause it to be truly observed by all his Majesty's Lieges, according to the Tenor and Intent thereof, for now and ever; and that in all Time coming these Presents shall have the full Force and Strength of a true and perfect Security, as if they were extended in most ample and legal Form. Providing, That the Benefit of the said Statute shall no ways be extended to any of the *Scottish* Prelates, or to *John* Earl of *Traquair*, *Sir Rob. Spotswood*, *Sir John Hay*, and *Mr. Walter Balcanquhall*, cited and pursued as Incendiaries betwixt the Kingdoms, and betwixt the King and his People, and for Bribery, Corruption, and many other gross Crimes contained in their Charges general and special, nor to any other Persons who are cited, and shall be found by the Parliament of *Scotland*, in his Majesty or his Commissioners their own hearing, to be so extraordinarily guilty of these and the like Crimes, as they cannot in Justice, and with the Honour of the King and Country, pass from them. Provided further, That the Benefit of this Act shall not be understood to extend to the Favour of Thieves, Robbers, Murtherers,



broken Men. Sorners, Out-laws, nor their Receptors; with Reservation also of the legal Pursuits and Processes of the *Scots* in *Ireland*, for the Reparation of their Losses according to Justice, against such who have illegally wronged and persecuted them, since by one of the Articles of the Treaty, they are appointed to be restored to their Means and Estate. It is also to be understood, That nothing is meant hereby to be done, in prejudice either of the Payment of the Debts owing upon Promise or Security, by the *Scottish* Army, to any of the Counties, or to any Persons there (the same being instructed before the Removal of the *Scottish* Army) or of the Arrears due to the *Scottish* Army, or to that brotherly Assistance granted them by the Parliament of *England*.

That the great Blessing of a constant and friendly Conjunction of the two Kingdoms, now united by Allegiance and Loyal Subjection to one Sovereign and Head, may be firmly observed, and continued to all Posterity; it is agreed that an Act be passed in the Parliament of *England*, That the Kingdoms of *England* or *Ireland* shall not denounce nor make War against the Kingdom of *Scotland*, without Consent of the Parliament of *England*: As, on the other Part, it shall be enacted there, That the Kingdom of *Scotland* shall not denounce nor make War against the Kingdom of *England* or *Ireland*, without Consent of the Parliament of *Scotland*. No Ships, either of the King's or Free-booter, or others, shall stop the Trade of the Kingdom, or hinder or harm their Neighbour-Kingdom, without Consent of Parliament declaring a Breach of Peace. And if any Armies shall be levied, or Trade stopped, and Neighbours harmed or wronged, the States of the Country by which it is done, to be obliged to pursue, take, and punish the Offenders with all Rigor. And if any of the Kingdoms assist, receive, or harbour them, they are to be punished as Breakers of the Peace. And if after Complaint and Remonstrance to the Commissioners after-mentioned, and to the Parliament, Redress and Reparation be not made, then, and in that Case, the same to be counted a Breach of the Peace by the whole Kingdom.

And in Case any of the Subjects of any of the Kingdoms shall rise in Arms, or make War against any other of the Kingdoms and Subjects thereof, without Consent of the Parliament of that Kingdom whereof they are Subjects, or upon which they do depend, That they shall be held, reputed, and demeaned, as Traitors to the States whereof they are Subjects. And that both the Kingdoms in the Cases aforesaid, be bound to concur in the repressing of those that shall happen to arise in Arms, or make War without Consent of their own Parliament. And that the Way of convening Forces for suppressing such as levy War, be as in case of Invasion; provided, That this be not extended to particular Quarrels upon the Borders: And that it be enacted, That in such Case, it shall be lawful for any of the Subjects to convene, to suppress such evil-affected Persons: And that each Kingdom shall be bound by publick Faith, punctually to perform this Article. And if either Parliament shall denounce War, they shall give three Months Warning.

That the Peace to be now establish'd, may be inviolably observed in all Time to come, it is agreed, That some shall be appointed by his Majesty, and the Parliaments of both Kingdoms, who in the Interim, betwixt the sitting of the Parliaments, may be careful that the Peace, now happily concluded, may be continued; and who shall endeavour by all Means to prevent all Trouble and Division. And if any Debate or Difference shall happen to arise, to the Disturbance of the common Peace, they shall labour to remove or compose them according to their Power. It being supposed, that for all their Proceedings of this kind, they shall be answerable to the King's Majesty, and the Parliaments. And if any thing shall fall forthwith, which is above their Power, and cannot be remedied by them, they shall inform themselves in the Particulars, and represent the same to the King's Majesty, and the ensuing Parliaments, that, by their Wisdom and Authority, all Occasions and Causes of Troubles being removed, the Peace of the Kingdom may be perpetual to all Posterity. And it is declared, That the Power of the Commission shall be restrained to the Articles of the Peace in this Treaty.

Whereas it is desired, That an Act may be made in the Parliament of *England* for ratifying of the Treaty, and all the Articles thereof, which is likewise to be ratified in the Parliament of *Ireland* (which in all the Articles is comprehended under the Name of *England*) and after the Treaty is confirmed in the said



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*English* Parliament, and all other necessary Conditions performed, the Armies on both Sides shall, at a certain Day to be appointed for that Effect, remove and disband: So that when the *Scottish* Army shall remove from *Newcastle*, the *English* Army shall likewise be disbanded, and repair Home to their several Countries and Places of their Residence; and the *Irish* Army to disband before that Time, that hereafter a quiet and durable Peace may be kept, according to the Articles. And that this Treaty, and whole Proceedings thereof, may be likewise ratified in the Parliament of *Scotland*, and a firm Peace established, it is desired that his Majesty may be graciously pleased now to declare, That the ensuing Parliament of *Scotland* shall have full and free Power, as the Nature of a free Parliament of that Kingdom doth of it self import, to ratify and confirm the Treaty and whole Articles thereof, and to receive Account of all Commissions granted by them, examine their Proceedings, and grant Exonerations thereupon; and to treat deliberately, conclude and enact whatsoever shall be found conducive to the settling of the Good and Peace of that Kingdom: And that his Majesty's Commissioners shall be authorised with full Power, to approve whatsoever Acts and Statutes, which, upon mature Deliberation shall happen to be accorded unto by the Estates in that behalf, and shall sit and continue without Interruption or Prorogation, while all Things necessary for that Effect be determined, enacted, and brought to a final Conclusion; unless for better Conveniency of Affairs, his Majesty's Commissioner, with the especial Advice and Consent of the Estates, shall think fit to adjourn the same to any other Time, which shall no Ways derogate from the full and perfect concluding of the whole Premises, before the said Parliament be dissolved.

This whole Article is assented unto; but in so far as concerns the Days and Circumstances of disbanding, to be agreed upon.

Forasmuch as the several Jurisdictions and Administrations of Justice, in either Realm, may be deluded and frustrated by Delinquents, for their own Impunity, if they shall commit any Offence in the one Realm, and thereafter remove their Persons, and make their Abode in the other: Therefore that no Person sentenced by the Parliament of either Nation, as Incendiaries betwixt the Nations, or betwixt the King and his People, shall enjoy any Benefit, Civil or Ecclesiastical, or have any Shelter or Protection in any other of his Majesty's Dominions; like as where Malefactors and Criminals, guilty of the Crimes mention'd in the Act of Parliament, 1612, Cap. 2. and others of that Nature, and committed by *Scottishmen*, within the Kingdom of *England* or *Ireland*, or any Part thereof, are taken and apprehended in *England* or *Ireland*, that it shall be lawful to the Justiciaries of *England* or *Ireland*, to remand them to *Scotland*, as the Act bears. And further, If any Malefactors committing Crimes in *Scotland*, *England* or *Ireland*, being duely processed in the Kingdom where the Crimes are committed, and being Fugitives, and remaining in any other of the Kingdoms aforesaid, that the Judges of either Kingdoms shall be holden, at the Instance and Suit of the Party offended, to take and remand the Criminals and Malefactors, to the Kingdoms where the Crimes were committed. And the like Act to be made in *Scotland*, and this Act to extend as well to Debts as Crimes, and what further is requisite concerning this and other Particulars, for settling of Peace in the middle Shires, accelerating Justice upon the Delinquents, both Civil and Criminal, is to be considered by the Committee to be appointed for that Effect.

It is answered, That such Persons as shall be Natives in either Kingdom, and shall commit any Offence in the Realm whereof they shall be Natives, and shall afterwards remove their Persons into the other: And such Persons as shall be Inhabitants in either Kingdom, and shall commit any Offence in the Realm where they shall be Inhabitants, during the Time of their Habitation there, and shall afterwards remove their Persons into the other; and shall be for that same censured by the Parliament of that Nation where the Offence was committed, as Incendiaries betwixt the Nations, or betwixt the King and his People, shall not enjoy any Benefit, Civil or Ecclesiastical, or have any Protection in any other of his Majesty's Dominions; and that such *Scottish* Natives, incensing the King of *England* against the Kingdom of *Scotland*, shall be remanded, at the Desire of the *Scottish* Parliament, into *Scotland*, to abide their Trial and Censure there, so that the same be reciprocal to both Nations; but other Criminals and Debts to be referred to the Laws.



*The Propositions and Articles given in by the Scots Commissioners, after the Lord Lowdon his Return from the Parliament of Scotland.*

*That the Treaty of Peace may be brought to a speedy and happy Close, we did offer to your Lordship's Consideration the Particulars following :*

1. **T**Hat so soon as the *Scottish* Army shall remove out of *England* to *Scotland*, the *English* Garrisons of *Berwick* and *Carlisle* remove, *simul & semel*.
2. Left Malefactors, who have committed Theft, Murther, and the like Crimes, crave the Benefit of the Act of Pacification and Oblivion, for whom it is no ways intended ; there would be an Exception from the said Act, of all legal Pursuit, intended or to be intended, within the space of one Year after the Date of the Treaty, against all Thieves, Sorners, Out-laws, Fugitives, Murtherers, broken Men, or their Receptors, for whatsoever Thefts, Reifs, Hardships, Oppressions, Depredations, or Murther done or committed by them ; and all lawful Decrees given, or to be given, by the Parliament, or any Commissioners to be appointed by them for that Effect, who shall have Power to dignosce and take Cognition, whether the same falls within the said Act of Pacification and Oblivion, or not.
3. It is desired, That the Demand concerning the not making or denouncing of War with Foreigners, without Consent of both Parliaments, may be condescended unto by the King and Parliament of *England*, which is ordinary and universally observed in all mutual Leagues, which are both defensive and offensive ; and because the Wars denounced by one of the Kingdoms with Foreigners, although made without Consent of the other Kingdom, will engage them by necessary Consequence ; or if the Consideration of that Proposition shall require longer Time than the present Condition of the important Affairs of the Parliament may permit, and lest the speedy Close of the Treaty be thereby impeded, it is desired, That this Demand, with the two other Articles of the same Nature, the one concerning Leagues and Confederations, and the other concerning mutual Supply in Case of Foreign Invasion, may all three be remitted to Commissioners, to be chosen by both Parliaments, who shall have Power to treat and advise thereupon, for the Good of both Kingdoms, and to report to the Parliaments *respective*.
4. It is desired, That the Articles concerning Trade and Commerce, Naturalization, mutual Privilege and Capacity, and others of that Nature already demanded, may be condescended unto by the King and the Parliament of *England* : and namely, that Demand about the Pressing of Ships or Men, by Sea or Land ; or if Shortness of Time, and Exigency of Affairs, may not permit the present Determination of these Demands ; it is desired, That these same (except so many of them as are already agreed unto by the Commissioners for Trade) may be remitted to the Commissioners to be chosen by both Parliaments, who shall have Power to treat and advise thereof, for the good of both Kingdoms, and to make Report to the Parliaments *respective*. And that the Charters or Warrants of the *Scottish* Nation, for freedom of Shipping in *England* or *Ireland* from all Customs, Impost, Duties and Fees, more than are paid by the Natives of *England* and *Ireland*, granted by King *James* under the Broad Seal of *England*, upon the 11th of *April*, in the Thirteenth Year of his Reign, and confirmed by King *Charles*, upon the 19th of *April*, in the Eighth Year of his Reign, may be ratified and enacted in the Parliament of *England*.
5. That the Extracts or Bands and Decretes put upon Record and Register in *Scotland*, may have the like Faith and Execution, as the *French Tabelliones* have in *England* or *Ireland*, seeing they are of a like Nature, and deserve more Credit ; and if this cannot be done at this Time, that it be remitted to the former Commission from both Parliaments.
6. The manner of Safe-Conduct for transporting the Money from *England* to *Scotland* by Sea or Land, would be condescended upon, in such a Way as the Charges be not exorbitant.
7. The Tenor of the Commission for conserving of Peace would be condescended unto, together with the Times and Places of Meetings, and whole Frame thereof ; the Draught whereof, when it is drawn up in *England*, is to be represented to the Parliament of *Scotland*, that they may make like Commission, and name their Commissioners for that effect.
8. The



An. 1641.

8. The Parliament of *Scotland* do join their earnest and hearty Desire, and crave the Parliament's Concurrence, that none be in Places about the Prince his Highness, but such as are of the Reformed Religion.

9. That an Act of Parliament of Publick Faith for Payment of the Two hundred and twenty thousand Pounds of the Brotherly Assistance which is Arrear, may be presently framed and expedited, according to the Terms agreed upon.

10. It is desired, that the *Quorum* to whom the *Scots* should address themselves for Payment of 220000 *l.* be condescended upon.

11. That the Order for recalling all Proclamations, &c. made against his Majesty's Subjects of *Scotland*, be drawn up, and intimated in due Form and Time, with the Publick Thanksgiving at all the Parish-Churches of his Majesty's Dominions.

12. It is desired, That the Articles concerning the Castle of *Edinburgh*, and other Strengths of the Kingdom may be understood to be, that the same shall be disposed of for the Weal of the Kingdom, as the King and Parliament shall think expedient.

*The English Lords Commissioners Answer.*

1. **T**HAT upon the disbanding of the *Scottish* Army, the Garrisons of *Berwick* and *Carlisle* shall be removed, according to the Article of the Treaty on that behalf.

2. The second Article is condescended unto, according to the Provision added to the Act of Oblivion and Pacification.

3, 4, 5, 6. The third Demand concerning the making of War with Foreigners, with the other two Articles, concerning Leagues and Confederations, and concerning mutual Supply and Assistance against Foreign Invasion; as likewise the 4, 5, and 6 Articles, concerning Trade, Commerce, Naturalization, mutual Privilege and Capacity, and others of that Nature, and the Demands concerning the Extracts of Bands and Decretes, and the manner of safe Conduct for transporting of Monies from *England* to *Scotland*, are all referred to be taken into Consideration by the Commissioners to be appointed by both Parliaments, who shall have Power to advise and treat thereupon, and report to the Parliaments *respective*.

7. It is just, That the Tenor of the Commission for conserving of Peace, should be agreed upon by mutual Consent; but the closing of the Treaty not to stay hereupon, but to be left to the Commissioners to be named.

8. To that Desire, concerning such as should be placed about the Prince, the King hath already given a clear and satisfactory Answer.

9. That there be an Act of Parliament of publick Faith, for securing the Payment of 220000 *l.* which is Arrear of the Brotherly Assistance, is just; and Order is given for it accordingly: And it shall be communicated with the *Scottish* Commissioners, that it may be a perfect Security.

10. The Tenth, for appointing a *Quorum* for attending the Payment of the Money, is already moved to the Parliament, and will be done as is desired.

11. The Eleventh Article is very just, and Order shall be given accordingly for recalling all Proclamations, &c. and for Publick Thanksgiving.

12. This Article for the Castle of *Edinburgh*, and other Strengths of *Scotland*, is to be settled betwixt his Majesty and the Commissioners of *Scotland*, or by his Majesty and Parliament of *Scotland*.

All which Articles are assented unto, and approved by his Majesty, with Advice of the Parliament of *England*, and by the Committees of the Parliament of *Scotland*; and are necessary, for publick Declaration of mutual Consent; and for firm Observation, to be confirmed and ratified in the Parliaments of both Kingdoms.

*The Act of Pacification.*

**B**E it therefore enacted by his Majesty, with the Assent of the Lords and the Commons in this present Parliament assembled, That the said Treaty, and all the Articles thereof assented to, as aforesaid, be and stand for ever ratified and established, and have the Force, Vigour, Strength, and Authority of a Law, Statute, and Act of Parliament.

Like as this afore-written Treaty, and whole Articles thereof, are by his Majesty and the States of the Parliament of *Scotland*, enacted and ordained in all Time coming, the full Force and Strength of a true and perfect Security, and Act of the said Parliament.



*And His Majesty for Himself and His Successors, doth promise in verbo Principis, never to come in the contrair of this Statute and Sanction, nor any thing therein contained; but to hold the same in all Points firm and stable, and shall cause it to be truly observ'd by all His Majesty's Leiges, according to the Tenor and Intent thereof, for now and ever.*

*Like as the Parliament of both Kingdoms give full Assurance, and do make publick Faith in the Name of both Kingdoms respectively, for the True and Faithful Observance of this Treaty, and whole Articles thereof inviolably, hinc inde, in all Times to come.*

The Lords signifie to the Commons at a Conference, his Majesty's Answer, delivered by his Majesty in the House of Peers, as to his Journey, which was to this Purpose: *That His Faith was engaged to be in that Kingdom, and which was so far engaged, That he could not but go, and the Condition of the Affairs of that Kingdom did require his Presence:* He desir'd the expediting of the Bill concerning the Treaty, that he might give his Answer in Person: That he had left such Order for the Government in his Absence, as doubted not but would give Content.

The Lords impart, at another Conference, his Majesty's further Answer; That he forgot to tell the Houses Yesterday of one Thing, That his Busineses are so well prepared in *Scotland*, that he will make *no long stay* there, and intends to be back before *Michaelmas*; and concerning the Army, which he is sorry is not already disbanded, upon the *Word of a Prince* he will do his best, and hopes (not without good Effect) for the speedy disbanding thereof.

His Majesty came to the House of Lords, to give his Consent to several Acts that were prepared for his Majesty to pass, and accordingly he gave his Consent to the Act for the Treaty between both Kingdoms. To the Bill for Knighthood. The Bill for regulating the Clerks of the Market. He likewise sign'd the limited Commission for passing Bills in his Absence, and these Lords following were the Commissioners, *viz.* The Lord Keeper, the Lord Privy-Seal, the Earl of *Lindsey*, the Earl of *Essex*, Marquis of *Hartford*, Earl of *Bath*, and the Earl of *Dorset*. And then his Majesty making a short Speech, desiring the Care of the Parliament in his Absence, to preserve the Kingdom in Peace, took his leave of the Parliament, and at two a Clock in the Afternoon begun his Journey, having none with him in Company in his Coach, but the Prince Elector *Palatine*, the Duke of *Lenox*, (being but three Days before created Duke of *Richmond*) and Marquis *Hamilton*.

Ordered, That these Sums following shall be paid upon the Days appointed, concerning the Queen-Mother, *viz.*

On the First of *October*, 2000 *l.*

On the First of *November*, 2000 *l.*

On the First of *December*, 2000 *l.*

On the First of *January* in *Antwerp*, or such other Place beyond the Seas, as the Queen-Mother shall think fit, 1000 *l.*

The Commons entered into Debate of many Passages, of the Remonstrance of the State of the Kingdom, and of the general Grievances of the People.

A Complaint was made to the House of Commons, That Multitudes of People were got together in *Lincolnshire*, and were pulling down the Hedges and *Inclosures* with great Violence, whereby those Grounds were thrown open, to great Spoil and Destruction. The House hereupon thought fit to recommend it to the Justices of Peace of that County, to prevent such disorderly Actions.

The House of Commons this Day took into Consideration the Business of *Scotland*, and the total disbanding of the Army, and debated that a Committee of Lords and Commoners should be sent to the Parliament in *Scotland*, to remain there, and to inform the Parliament in *England* from Time to Time of their Proceedings.

The House of Peers having received a Letter from the Earl of *Holland*, Lord General, wherein were some obscure Words, as if there were new Practices and Designs against the Parliament. Thereupon the Lords thought fit at a Conference with the Commons, to impart the Contents thereof, and desired that a Consideration thereof might be taken by the Parliament, to prevent Dangers that

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King's Answer why he cannot stay his Journey.  
August 9.

His Majesty's further Answer.

Tuesday Aug. 10. The King passed several Bills, took his leave of the Parliament, and went this Day toward *Scotland*.

August 10. Monies order'd to be paid to the Queen Mother.

August 12. Remonstrance.

August 13. People in Tumults pull down Inclosures.

August 14. One Lord and two Commoners to be sent into *Scotland*.

August 16. A Letter from the Earl of *Holland*.



An. 1641.

All private  
Business laid  
aside.The Names  
of the Mem-  
bers to go in-  
to Scotland.The King re-  
fuses to sign  
them a Com-  
mission, and  
the Reasons  
why.Instructions  
for the Com-  
mittee ap-  
pointed to go  
to the Parli-  
ament of  
Scotland.  
Aug. 17.Desire of a  
free Confe-  
rence about  
the Commis-  
sion, for  
those who go  
to Scotland.

that might happen : Hereupon the Commons appointed a Committee to consider of putting the Kingdom into a posture of Defence.

And to the end that nothing might hinder the House to proceed in publick Concerns, they order'd all private Committees to cease, and no Committee to proceed in any private Business until *Michaelmas* Term next.

The Persons nam'd to go Commissioners into Scotland, were *William* Earl of *Bedford*, *Edward* Lord *Howard*, *Nathanael* *Fiennes* Esquire, Sir *William* *Armyne* Baronet, Sir *Philip* *Stapleton* Knight, and *John* *Hambden* Esquire. And a draught of a Commission was sent to the King to Sign; To impower them to go into Scotland, and there to treat, confer and conclude with such Commissioners as should be named by the Parliament of that Kingdom, according to the Instructions annext, or such further Instructions as they should receive from the Lords and Commons assembled in the Parliament of England, and with his Majesty's Consent. But the King refus'd to sign such Commission, and commanded *Anthony* *Nichols* Esquire (who was sent Express to his Majesty from both Houses on that Message) to signifie the Reasons why he declin'd it, viz. Because the Treaty of Pacification was already ratified by the Parliament of Scotland, and this Commission would beget new Matter, and be a means to detain his Majesty longer than he intended; and that the Scots Army was over the *Tweed*, and the Lord General hath almost disbanded all our Army; and therefore his Majesty saw no necessity for such Commission; yet was pleas'd to give leave to the Members named, to come and attend him in Scotland, to see the Ratification of the Treaty, and what else belongs thereto. This Answer of his Majesty was dated at *Edinburgh*, the 25th of *August*, 1641.

But though the Earl of *Bedford* were nominated of this Committee, he did not go; but only the Lord *Howard* of *Eskrick* of the Lord's House.

Mr. *Pym* reports from the Committee appointed to prepare Instructions for the Committee to go into Scotland, signify'd unto the House of Lords, That this House doth agree, and consent to the Proposition made by the Lords for sending some Persons to the Parliament of Scotland from both Houses, and to desire their Lordships to declare in what manner these Persons shall be Authorized, and for their

## INSTRUCTIONS,

1. To take care of the Ratification of the Treaty, and of those Acts which concern both Nations, and to bring with them an authentick Exemplification of the same.

2. That they see the Commission settled concerning Trade, and of keeping good Correspondency between both Kingdoms for a publick Peace, according to the Articles of the Treaty.

3. To demand Satisfaction for such Debts as shall remain due from the Scots unto the Northern Counties, for Provision and Moneys raised, and taken up for the Scotch Army.

4. To clear the Proceedings of the Parliament of England, towards the Parliament of Scotland, if they shall find any false Reports, which may breed a Misconstruction between both Kingdoms.

5. To assure them of the good Affection of the Parliament of England in all things, so far as concerns the Service of his Majesty, and Peace and Prosperity of both Nations.

6. To certifie the Parliament from time to time of their Proceedings, and of all Occurrences which shall concern the good of this Kingdom.

7. That they shall put in Execution, such further Instructions as they shall receive from both Houses, as his Majesty shall approve of.

8. That they proceed not in the Treaty with the Parliament of Scotland, till Warrant and Commission be sent down unto his Majesty, by a Messenger on Purpose, and return with the Warrant to pass the Commons, under the Great Seal of England.

To propound to the Lords what Authority these Persons shall have to Treat, whether by Commission, &c. Sir *Thomas* *Barrington* is appointed to go up to the Lords to desire a free Conference, concerning the Persons that are to go from both Houses to the Parliament of Scotland.

The



The same Committee that was appointed to prepare Heads for the Conference, are to manage this Conference.

Sir Thomas Barrington brings Answer, That their Lordships will give a present Meeting as is desired.

Mr. Pym reports from the free Conference with the Lords, concerning what Power was to be given to those of both Houses, that were to be sent to the Parliament of Scotland, that the Lords were something doubtful, and propounded to have a Messenger sent, to procure his Majesty's Warrant, and the Commissioners to stay here till the Messenger return'd; and that when the Commons propounded their Instructions, the Lords went into the House, and said they would consider of them.

Ordered, By the Lords in Parliament, That the thirteen Bishops Impeached by the House of Commons, shall have Time (by Virtue of this Order) until Thursday come Month, being the 16th of September next, to make their Answers unto the said Charge. And hereof they are to take notice, and prepare their Answers accordingly.

Mr. King reports the Soap-Business, and upon the whole Report thereof, it was by the House resolved as followeth:

Resolved upon the Question, 1. That the Information of Thomas Jones to his Majesty, to make hard Soap with Berilla, and soft Soap without the Use of Fire, was a deceitful Project; and the Letters Patents, dated the 17th of December, 7 Caroli, obtain'd by Palmer and others, to set on foot this Project, were illegal.

Resolved, &c. 2. That the Letters Patents of Incorporation of Soap-makers of Westminster, dated the 20th of January, 7 Caroli, and the Indentures of the Covenants thereupon dated the 30th of May, 8 Caroli, was Monopoly, and illegal in the Creation.

Resolved, &c. 3. That the Proclamation dated the 28th of June, 8 Caroli, set forth in Pursuance of the said Indentures of Covenants, was against Law, and the Liberty of the Subject; and the said Letters Patents, Indentures of Covenant and Proclamation, were a great Grievance in the Execution of them.

Resolved, &c. 4. That Sir Henry Compton, Sir Henry Guilford, Sir Nicholas Fortescue, Sir Richard Weston, Sir Basil Brook, Sir Edward Stradling, Sir William Ford, Sir James Bagge, George Sage, Thomas Jones, Bainhan Vaughan, Francis Townley, Thomas Russel, Beverly Britton, are Delinquents.

Resolved, &c. 5. That so many of the Persons above-nam'd as are now living, shall be forthwith sent for as Delinquents, by the Serjeant-at-Arms attending on this House.

Resolved, &c. 6. That the Prosecution in the Star-Chamber against Thomas Overman the Elder, Thomas Overman the Younger, John Hardwick, Richard Hinde, Thomas Wasber, Edmund Whitwell, Simon Weeden, William Barber, Robert Barefoot, John Revell, James Baker, John Hayes, Jacob Troughton, Thomas Munck, Richard Cox, and Edwin Griffin, Soap-Boilers of London; the over-ruling their Plea and Demurrer, expunging all their Answers, but not guilty; suppressing their Interrogatories and Depositions; the Sentence and Proceedings against them, are against Law and the Liberty of the Subject, and that the Sentence ought to be reversed; and Thomas Overman the Elder, John Hardwick, Richard Hinde, Edmund Whitwell, Simon Weeden, Robert Barefoot, James Baker, John Hayes, Jacob Troughton, Thomas Munck, Richard Cox, and Edwin Griffin, ought to have Recompence from the Parties formerly Voted to be Delinquents, for their Imprisonment and Loss of Trade, spoiling their Fatts, Pans, Goods, and other Damages thereby occasioned: And Grace Barber the Widow of William Barber deceased, and his Son; Anne Revell the Widow of John Revell and her Children; Mary Wasber the Widow of Thomas Wasber and her Children, and the Relict of Thomas Overman the Younger, ought to have the like amends.

Resolved, &c. That the Prosecution of the said Star-Chamber Suit, against Thomas Overman, and the rest of the London Soapers, was at the general Charge of the Corporation of Westminster, and by the particular Sollicitation of Sir Richard Weston, Sir Basil Brook and Mr. Sage, three of the Corporation; and that one Beere a Solicitor, for and in the Name of the whole Corporation; and that the several Persons then of that Corporation and yet alive, ought to make amends to the several Parties aforementioned respectively.

16 Car.

August 17.  
Time given  
to the Bi-  
shops to put  
in their An-  
swer.

Resolves  
concerning  
the Soap-Bu-  
siness.



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*Resolved, &c.* That the Decree made in Star-Chamber the 23d of August 1633, for regulating the Trade of Soapers is illegal, and tends to the Subversion of the Laws of this Realm, and to the Introducing of an Arbitrary Government, and is of dangerous Consequence, and ought to be vacated.

*Resolved, &c.* That all those that were Covenantees with the King, by the Indenture of Covenants dated the 12th of April 1636, or had any Share in the Gains raised by the Corporation of *Westminster*, or Stock in that Employment, are Delinquents, and ought to make Amends to all such as after those Covenants entered into, were restrained the Use of their Trades of making of Soap, or sustain'd any Loss in their Fatts, Pans, or otherwise, by Occasion of the Corporation of *Westminster*.

*Ordered,* That it be recommitted to the Committee for the Soap-business, to inform themselves by the Minute-Book of the Register, for the Court of Star-Chamber, or otherwise who were present, and gave their Consent to the making of the Decree in Star-Chamber, for regulating the Trade of the Soap-boilers, and who gave Votes in the Sentence of that Court against the *London* Soap-boilers; and to consider who were the Referrees of the Laws Patents, granted to the Corporation of the Soap-boilers of *Westminster*; as also who were the first Referrees of the Soap-business, and to consider who of the Privy-Council gave their Consent to the illegal Orders made at Council-Table. And to consider what other Persons have had any Benefit in Soap-business, and are to meet to Morrow in the Afternoon in the *Exchequer* Court.

Aug. 18.

From this Day until the 26th, the Time of the House was taken up in debate about the Remonstrance of the State of the Kingdom, and about the speedy getting in of the Poll-Money for the disbanding of the Army: Whereupon Orders were made, that the Sheriffs be writ unto, to hasten the Collection thereof, which Letter was to this effect.

*A Letter sent from Mr. Speaker to the Sheriffs of several Counties, by the Command of the House of Commons.*

For expediting the Poll-Money.

**T**He House of Commons did hope, that in so great a Time, and so visible a Necessity of present Money, no private Person, much less any publick Officers, would have been so slow in contributing their Assistance to the Poll-Money; but by the not coming of this from some Parts, the slow and slender coming of it from others, together with more particular Informations; we are forced to believe, that both Payers, Assessors, Collectors, and Returners, are in fault concerning it.

I am therefore commanded to let you know from the House, if you tender your own or the publick Good, you make all possible Haste in returning such Monies as you have ready, and that you make known to the Commissioners, that (if we be not by them prevented) the House intends to make a Review of the Assessments; to the end, that wherein the Assessors, either through Partiality, should be found either to have left any uncharg'd, whom the Act chargeth, or to have charged any lower than they are charged by the Act; those that should be found faulty, may incur both the ill Opinion and severe Punishment of Parliament, as Contemners of the greatest Authority, in a Time of the greatest Necessity; and by that Contempt, being Causes of the Army's less speedy disbanding, to the Danger, as well as the unsupportable and unnecessary Expence of this Kingdom.

Aug. 24. 1641.  
An Order of the Lords and Commons in Parliament, concerning the more speedy transporting of the Poll-Money to *Tork*, for the disbanding of his Majesty's Army.

Likewise the Lords and Commons passed the following Order, viz.

Whereas it is Enacted, that the Sheriffs of the Counties and Cities hereafter named, shall, amongst others, pay such Sums of Money as they shall receive for the Poll-Money, to the Treasurer, in the Act named in the Chamberlain's Office, within the City of *London*

Now forasmuch as their long Delay and slow Payment is very burthensome and dangerous to the Kingdom; because the King's Army in the North, by this Means remains undisbanded, to the insupportable Charge of the Commonwealth.

For the more speedy Relief of the Kingdom, the Lords and Commons in this Parliament assembled, do hereby order and ordain, that the several Sheriffs of

*Worcester,*



*Worcester, Cambridge, Huntington, Leicester, Northampton, Rutland, Warwick, and other Cities that are Counties within those Counties, and every of them, respectively, shall forthwith, on Notice of this Order, send such Moneys now in their Hands, or shall come to his Hand, or any of their Hands respectively, or to the Hands of his Under-Sheriff or Deputy, or to the Hands of any of their Under-Sheriffs or Deputies respectively, under a sufficient Guard and Convoy, to the City of York, to pay the same unto Sir William Udall Knight, Treasurer of his Majesty's Army now there residing, taking his Acquittance for the same; which Acquittance the said several Sheriffs respectively, shall send to the Chamber of London; and that the said Treasurer in the Act named, shall accept of the same, as if so much Money were paid in Specie, and shall deliver an Acquittance or Acquittances for the same, which shall be as sufficient a Discharge to the said several Sheriffs, as if the Money had been paid there.*

And the said Treasurer of the Army is hereby required, that he shall as speedily as he may, after the Receipt of any such Sums, from any of the Sheriffs aforementioned, send up to the said Treasurer of the Chamber of London, present and distinct Certificates of the same.

It is further Order'd, That the several Sheriffs of the Counties, through which the Monies do pass, shall provide a sufficient Convoy to guard the same through the several Counties; and that the Sheriffs, under whose Charge the Monies, shall have Allowance for Transportation thereof in their several Accounts.

Lastly it is order'd, That a strict Account be taken of the Proceedings of the several Sheriffs; as also the Treasurer of his Majesty's Army, and of the Treasurer appointed by the Act, and of their Obedience and Conformity to this Order; and if any shall fail therein, it shall be interpreted as a great neglect of the Safety of the Kingdom, and Contempt of both Houses of Parliament; for which they shall be called to Answer and make Satisfaction, as well for their Offence, as for such Damages as the Commonwealth hath undergone by their Default.

Mr. Whistler reports the Case of *London-Derry*. Resolv'd upon the Question, That the Opinion of this House is,

1. That the Citizens of *London* were solicited and pressed, to the undertaking of the Plantation of *London-Derry*.

2. Resolved, &c. That the Copy attested with Mr. Goad's Hand, is a true Copy of the Sentence given in the Star-Chamber against the Mayor, and Commonalty of the City of *London*, and the Society of the Governors and Assistants of *London*, of the new Plantation of *Ulster* in the Kingdom of *Ireland*.

3. Resolved, &c. That the Order made in the Court of Star-Chamber dated 8th Martii 8 Caroli, is unlawful, both for the Matter, Persons, and Time therein prefixed.

4. Resolved, &c. That this House is of Opinion, that the King was not deceiv'd in the Grant which he made unto the Society of Governors and Assistants of *London*, of the new Palantation of *Ulster* in the Kingdom of *Ireland*. In Particular, not in creating a new Corporation, called, The Society of the Governors and Assistants of *London*, of the new Plantation of *Ulster* in the Kingdom of *Ireland*.

5. Resolved, &c. That this House is of Opinion, that the King did not by that Patent, grant more Land than was by him intended to be granted, nor was he therein deceiv'd.

6. That it doth not appear by sufficient Proof, that the Citizens of *London* were ty'd to perform the printed Articles, and consequently, not bound to plant with *Englisch* and *Scots*, nor restrain'd from planting with Natives.

7. By the 27th Article, the City was to build two hundred Houses in *Derry*, and one hundred at *Colraine*, by the first Day of *November*, 1611. But admitting that the Houses were not built, nor the Castle of *Colraine* repair'd by the time prefixed; yet this is no Crime nor Cause for giving Damages, in regard the City had not their Patent until the 29th of *March*, 1613.

8. That there is no proof, That the Governors, &c. of the new Plantation, or any of the 12 Companies, did make any Lease unto any *Popish* Recusant, nor of any decay of Religion there, by default of the Planters.



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9. That there is no Proof of any Default in the Planters for not making a sufficient Number of *Freeholders*, nor any Article that doth tie them thereunto.

10. That there is no Proof that the City of *London*, or the Governour of the New Plantations, have felled any Trees in the Woods called *Glancankin* and *Kellitrough*, contrary to their Covenant.

11. That the not conveying of Glebe-Lands to the several Incumbents of the several Parish-Churches, in regard they did enjoy the Lands, is no Crime punishable, nor Cause of seizure of their Lands.

12. That the Breach of Covenant (if any such were) is no sufficient Cause to forfeit the Lands.

13. That the Breach of Covenant is no Crime, but triable in ordinary Courts of Justice.

14. That the Court of Star-Chamber, while it stood as a Court, had no power to examine Free-holders or Inheritance.

15. That the Court of Star-Chamber, while it stood as a Court, had not any Power to examine or determine Breach of Covenant or Trust.

16. That the Sentence upon these two Corporations aggregate (no particular Person being guilty) it is against Law.

17. That in all Proof of this Cause, there doth not appear Matter sufficient to convict the City of *London* of any Crime.

18. That upon the whole Matter, the Sentence in the Star-Chamber was unlawful and unjust.

19. That this Composition and Agreement, made with the City upon these Terms, in the time of Extremity, ought not to bind the City.

20. That this House is of Opinion, That when the King shall be pleased to repay those Moneys which he hath received upon this Composition, and such Rents as he hath received by Colour of this Sentence; that then his Majesty shall be restored to the same State he was in; and the Patent thereupon gotten, shall be cancelled or surrendered.

21. That the Citizens of *London*, and all those against whom the Judgment is given in the *Scire Facias*, shall be discharged of that Judgment.

That the Opinion of the House is, That they think fit, that both the Citizens of *London*, and those of the New Plantation, and all under-Tenants, and all those put out of Possession, by the Sequestration or King's Commissioners, shall be restored to the same State they were in, before the Sentence in the Star-Chamber.

The Case of *Tristram Beresford*, *Ralph Freeman*, and *John Stone*.

Resolved, upon the Question, That the Conveyances to Mr. *Beresford*, and the rest of the Parties to whom the Conveyances were made, are well executed.

That the *Haberdashers* being made Parties to the *Scire Facias*, their Estate is not avoided by the Judgment.

That the Opinion of this House is, That the said Parties ought to be in the same Estate they were in before the issuing of his Majesty's Commission.

The Case of *Patrick French*.

Resolved, upon the Question, That the Possession of those Lands complained of in this Petition of *Patrick French*, was taken from him unjustly, without all Colour of Law; and that he ought to be restored to the Possession, and to the mean Profits during that time.

An Ordinance of Parliament for a Day of publick Thanksgiving, for the Peace between England and Scotland, Aug. 27.

Whereas it hath pleased Almighty God, to give a happy Close to the Treaty of Peace, between the two Nations of *England* and *Scotland*, by his wise Providence, defeating the evil Hopes of the subtle Adversaries of both Kingdoms: For which great Mercy, it was by the King's most Excellent Majesty, the Lords and Commons in this present Parliament, enacted, That there should be a publick Thanksgiving in all the Parish-Churches of his Majesty's Dominions.

It is now ordained and declared, by the Lords and Commons in Parliament, That the time for the Celebration of that publick Thanks to Almighty God, for so great and publick a Blessing, shall be on *Tuesday* the Seventh of *September* next, by



by Prayers, Reading, and Preaching of the Word, in all Churches and Chapels of this Realm: Whereof we require a careful and due Observance, that we may all join in giving Thanks, as we partake of the Blessing, with our Brethren in *Scotland*, who have designed the same Day for that Duty.

### GOD SAVE THE KING

*Die Veneris 27 die Augusti, 1641.*

Ordered, by the Lords in Parliament, That the abovesaid Ordinance be printed.

This Day there was a Conference between the Lords and Commons, wherein the Lords were desired to continue still to sit in their House, by reason of Business of Weight, which the Commons were ready to present to their Lordships; and the rather, for that the Recess of both Houses is to be shortly. To which the Lords agreed; but yet declared their Number were but few in the House; and the Sickness increasing, they desired the Commons to hasten what they had to offer.

The House of Commons that Day took into Consideration Sir *John Corbet's* Case, being a Member of the House of Commons, as to his Imprisonment and Fine, for Words spoken by him at a Quarter-Sessions in the County of *Salop*, being Words to this Purpose: *That the Muster-Masters Wages throughout England were illegal, and against the Petition of Right.* In debate of which Business, the House declared, That a Charge and Impeachment ought to be drawn against the late Lord Keeper *Coventry*, the Archbishop of *Canterbury*, and others, who consented to impose the Fine upon him, and for causing his Imprisonment.

The Lords this Day, at a Conference, reported to the Commons a Letter which they had received from the King; wherein his Majesty did signify, That he was engaged to let the *Spaniards* have 4000 *Irishmen*: But the House of Commons gave their Reasons why they could not agree, That there should go any *Irish* to the *Spaniard*, or any *English* to the *French*; and moved the Lords, That there might be a Letter sent into *Scotland*, to advise his Majesty to that Purpose.

Upon this Occasion, the following Speech was made by Sir *Benj. Ruddyard*.

*Sir Benjamin Ruddyard's Speech, against Soldiers going to the French or Spaniard, Aug. 28.*

Mr. Speaker,

THIS is a Business of great Consequence, and therefore requires a well-advised Resolution: I will put *France* and *Spain* together; take them both before me, because the Reasons will serve both the one and the other, as they stand in relation to us.

We are, Mr. Speaker, so bounded by the Nature of our Situation, as we are not so proper to extend our selves upon the firm Land of our Neighbours; our Aptitude is rather to Balance; which being rightly used, may make the King the great Arbitrer of all the Affairs of Christendom, by assisting, with-holding, or opposing. *Henry VIII.* is an Example of this; he was sometimes of the side of the Emperor, other times of the *French* Party, according as he saw either side of the Scales to weigh heavier or higher. Some might think this to be Inconstancy in him; but it was certainly out of a true and peculiar Understanding of his Power.

The present State of Christendom is apparent, that the House of *Austria* begins to diminish, as in *Spain*, so consequently in *Germany*: That the *French* do swell and enlarge themselves; and if they grow and hold, they will be to us but *Spain* nearer hand.

Alliances do serve well to make up a present Breach, or mutually to strengthen those States who have the same Ends; but politick Bodies have no natural Affections; they are guided by particular Interest; and beyond that, are not to be trusted.

Although it may be good Policy to breed a *Militia* at the Charge of other States abroad, for our own Use and Occasion at home, yet that ought rather to be

16 Car.

Aug. 30, & 31.  
The Lords  
intending to  
adjourn, are  
desired to  
sit.

Sir *Jo. Corbet's*  
Case reported,  
as to his  
Fine and Im-  
prisonment.  
Lord Keeper  
*Coventry*, and  
the Archbish.  
of *Canterbury*  
consenting  
to the Fine.  
The King en-  
gaged to let  
the *Spaniards*  
have 4000  
disbanded  
Soldiers.  
The Com-  
mons do not  
agree to it.



An. 1641. be done amongst Friends of the same way ; and so the *Low-Countries* have been an Academy to us.

His Majesty hath now an Ambassador treating with the Emperor about the *Palatinate* : If we send away our Men, it will so damp and discountenance the Affairs of the Prince Elector, as the World will believe we never had, nor ever shall have any Intentions to assist him at all.

I have observed, for divers Years, That *England* is not so well peopled, but we do want Work-folks to bring in Harvest ; our disbanded Soldiers will least dislike that kind of Work : And if they be speedily dissolv'd, that Employment will entertain them for the present, and inure them to Labour hereafter.

Upon these Considerations, Mr. Speaker, I cannot give my Advice to add more Strength to *France*, by weakning both our selves and our Friends.

As for sending the *Irish* into *Spain*, truly, Sir, I have been long of Opinion, That it was never fit to suffer the *Irish* to be promiscuously made Soldiers abroad, because it may make them abler to trouble the State when they come home : Their Intelligence and Practice with the Princes whom they shall serve, may prove dangerous to that Kingdom of *Ireland*. They may more profitably be employ'd about Husbandry, whereof that Kingdom hath great need.

Besides, It will be exceeding prejudicial to us, and to our Religion, if the *Spaniards* should prevail against the *Portuguese*.

It were better for us he should be broken into lesser Pieces, his Power shivered.

If the King of *Portugal* had desired the *Irish* Soldiers, I should rather have given my Vote for him than for the King of *Spain* ; because it would keep the Balance more even. *Spain* hath had too much of our Assistance and Connivance heretofore : I am sure it lost us the *Palatinate*. Now that it is come to our Turn to advise, I hope we shall not do over other Mens Faults again.

If the present Government of *Ireland* be not able to restrain their disordered People, there is a noble Lord already designed to that Charge, who by his Knowledge in Martial Affairs, and other his great Abilities, will be, no doubt, abundantly capable to reduce them to a due Obedience.

Wherefore, Mr. Speaker, upon the whole Matter, my Opinion is, That we should not be forward to spend our Men, but rather to preserve and husband them for our own Use and Employments, for our Friends, for our Religion.

During these Transactions here, his Majesty happily arrived in *Scotland* ; where, on the 19th of *August*, he made the following most gracious Speech to the Parliament of that Kingdom.

*His Majesty's SPEECH to the Scottish Parliament at Edinburgh, August 19, 1641.*

*My Lords and Gentlemen,*

There hath nothing been so displeasing to Me, as those unlucky Differences which have happen'd between me and my People ; and nothing that I have more desired, than to see this Day, wherein I hope not only to settle these unhappy Mistakings, but rightly to know, and to be known to my Native Country.

I need not tell you (for I think it is well known to most) what Difficulties I have passed through and overcome, to be here at this present : Yet this I will say, If Love to My Native Country had not been a chief Motive to this Journey, other Respects might easily have found a Shift to do that by a Commission, which I am come to perform My Self. And this considered, I cannot doubt of such real Testimonies of your Affections, for the Maintenance of that Royal Power which I enjoy, after an Hundred and eight Descents ; and which you have professed to maintain, and to which your own National Oath doth oblige you, that I shall not think any Pains ill bestow'd.

Now the End of my coming is, shortly, this : To perfect whatsoever I have promised, and withal, to quiet the Distractions which have and may fall out amongst you. And this I mind not superficially, but fully and cheerfully to perform : For I assure you, That I can do nothing with more Cheerfulness, than to give My People a general Satisfaction. Wherefore not offering to endear My



self unto you in Words (which indeed is not my Way) I desire, in the first Place, to settle that which concerns the Religion and just Liberties of this My Native Country, before I proceed to any other Act.

16 Car.

Touching the Proceedings in this Parliament of *Scotland*, during his Majesty's Residence in that Kingdom, the Titles of the several Acts follow, as the Author of these Collections did (amongst other Things) cause them to be transcribed out of the Records, soon after the Battel at *Dunbar*; and the rather publishes them, for that the Records of that Kingdom are irrecoverably lost; for being brought from thence to the *Tower*, and since his Majesty's happy Restoration ordered to be sent back, the Ship that carried them was cast away in her Passage to *Scotland*.

*The Titles of the Acts passed, and other Proceedings in the Parliament of Scotland, Nov. 19, 1641.*

*Apud Edinburgum, 19 Novemb. 1641.*

Act 1.

AN Act anent the Continuation of the Parliament to the Fourteenth Day of January, 1641.

*Apud Edinburgum, 14 Januarij, 1641.*

Act 2.

Instruments upon Production of the King's Letter.

Act 3.

Act anent the Continuation of the Parliament to the Thirteenth Day of April, 1641.

*Apud Edinburgum. 13 Aprilis, 1641.*

Instruments upon Production of the King's Letter, and Protestation of the Estates.

Act anent the Continuation of the Parliament to the Twenty fifth Day of May, 1641.

*Apud Edinburgum, 25 Maij. 1641.*

Instruments upon Production of the King's Letter, and Protestation of the Estates.

Act anent the Continuation of the Parliament to the Fifteenth Day of July, 1641.

*Apud Edinburgum, 15 Julij, 1641.*

Concerning the Government Civil.

16 Julij, 1641.

Committee for ordering the House of Parliament.

19 Julij, 1641.

Ane Letter from the Estates of Parliament, to the Commissioners at London.

Articles agreed upon by the Estates, for ordering the House of Parliament.

27 Julij, 1641.

Commission and Warrant for concluding and subscribing of the Treaty.

Penultimo Julii, 1641.

Commission for Examination of Witnesses at London, upon the Libel against the Incendiaries.

4 Augusti, 1641.

Act and Proclamation for apprehending the Incendiaries.

10 Augusti, 1641.

Ordinance of Parliament for meeting and receiving of the King's Majesty.

Warrant to the Lord Yester, and others under-written, for signing of the Rolls and Compts in the Castle.

13 Au-



An. 1641.

13 Augusti, 1641.

Warrant for ane Proclamation, discharging all Noblemen who are Citat to the Parliament, and have not subscrib'd the covenant Bands for maintenance of the Acts, and tane the Oaths, to have Place or Voice in Parliament.

Ordinance for giving Information to his Majesty, of all that is past heretofore in this Session of Parliament.

Apud Edinburgum, 17 Augusti, 1641.

The King's Majesty present in Parliament.

18 Augusti, 1641.

Act anent the Oath to be given to every Member of Parliament.

24 Augusti, 1641.

Instruments tane by the Lord Loudon, upon the production of the Treaty, and others after specify'd and mentioning the 220000 l. of brotherly Assistance from England.

26 Augusti, 1641.

Act anent the Ratifications of the Articles of the Treaty of *Superfcrivit* by the King, and *Subfcrivit* by the President of the Parliament.

The King's Commission is recited.

And in like manner a Commission hath been granted by the Committees of this Parliament of Scotland, bearing date the last of October, and the 4th of November 1640, and of the words following:

Articles of the large Treaty concerning the establishing of the Peace betwixt the King's Majesty and his People of Scotland, and betwixt the two Kingdoms, agreed upon by the Scottish and English Commissioners, at the City of Westminster, the seventh Day of August, 1641, concerning an Act of Pacification and Oblivion.

The Propositions and Articles given in by the Scottish Commissioners, after the Lord Loudon his return from the Parliament of Scotland, in twelve Articles.

The English Lords Commissioners Answer. Twelve Answers.

And the King's Assents.

Ordinance of Parliament anent the disbanding of the English Army.

Instructions by the King's Majesty and Estates of Parliament of Scotland, to the Lord Maitland, That both English and Scottish Armies disband at ane certain Day.

2 September, 1641.

Act anent incovenanting Patrons.

14 September, 1641.

Act containing the Form and Words to be subjoyn'd to the Exemplification of the Treaty, under the Great Seal.

*Carolus Dei Gratia Scotia, Anglia, Francia, & Hibernia Rex, &c.*

18 September, 1641.

Warrant for printing of the Articles of the Treaty.

28 October, 1641.

Committee anent the Commotions in Ireland.

Order of Parliament for recalling of the Marquiss of Hamilton, Earls of Argyle and Lanerick, to the Parliament.

6 November, 1641.

Order of the Creation of the Lord General, to be Earl of Levin.

Act in favour of Prince Elector Palatine, for ten thousand Foot to be sent into Germany. Commission for receiving of the brotherly Assistance from the Parliament of England, viz. For the 220000 l. Sterling, conform to the Articles of the large Treaty, &c.

16 November, 1641.

Commission for conserving the Articles of Treaty.

Commission anent the Articles referr'd to Consideration by the Treaty.

Commission for revising the Registers and Records; the Lord Chancellor London, the Earl of Argyle, Earl of Lauderdale and Clerk Register, Commissioners,



oners, to revise and look over all the whole Registers and Records of Parliament, and all other Records, and to make Inventories and Registers thereto; saving the Right of the Register's Place, with all Profits incident there anent.

17 November, 1641.

Warrant to the secret Council for giving Instructions to the Commissioners for the Remainder of the Treaty.

Act appointing the next Parliament to convene the first Tuesday of June, 1644.

These before-written Acts, Ordinances and Statutes of the foresaid Parliament, are Collected, Revised, Recorded and Booked, by me Sir Alexander Gibson Younger, of Duvie, Clerk of our Sovereign Lord's Rolls, Register and Council, witnessing hereunto my Sign and Subscription Manual,

Alexander Gibson, Cleric' Reg.

The House of Commons had great Debate this Day about the *Common-Prayer*, to have some Alteration made therein; which being suddenly started, gave occasion of a very *Hot* Debate, and Mr. *Hide* and others spake much in Opposition to the Motion, desiring the Book of *Common-Prayer* might be continued as it is without Alteration, and be observ'd with *Reverence*.

September 1.  
Debate about the Book of *Common-Prayer*.

The same Day the House took into Consideration the Thinness of their Number, and ordered that the Members about Town should constantly attend the House, least the House should fail of the Number of Forty, (under which Number, it is not reputed a House) to make an Adjournment; and therefore required their Members so to attend, that there might be Sixty every Day at the Adjournment of the House; and the House being this Day divided about putting off the Debate of the *Common-Prayer* Book to another Time, there were then in the House 115 Members, most of the House being gone into the Country, by Reason they intended within few Days to make a *Recess*, and about three a Clock in the Afternoon, the House adjourn'd till Monday next, September the 6th.

Order for Members to attend.

The *French* Ambassador made a Complaint to the House of Lords, against unruly Persons that made an Uproar about his House on Sunday last, which the Lords ordered to be taken into present Consideration; and upon Examination of the Matter, those rude Persons were found very guilty in misdemeaning themselves before the Ambassador's House, and thereupon were ordered to be *Whipt*, and to stand in the *Pillory* before the Ambassador's Door; but the Ambassador being well-satisfy'd with the Justice of the House of Lords, in pronouncing the Sentence against them, apply'd himself to their Lordships to remit the Execution thereof, and to set the Offenders at Liberty, which was accordingly done.

The *French* Ambassador complains of an Uproar about his House on Sunday last.

The Day of Thanksgiving for the happy Pacification made between both Kingdoms, the House of Commons ordered to be kept by them at *Lincoln's-Inn* Chappel, because the Bishop of *Lincoln* had fram'd a set Form of Prayer to be performed and used in *St. Margaret's-Westminster*, where the House of Commons were wont to meet; which the House of Commons conceiv'd that Bishop had not Power to do.

The Thanksgiving kept by the Commons at *Lincoln's-Inn*.

The House of Commons again renew'd the Debate against *Innovations* in the Church, and setting up of Rails before the Communion-Table, and for taking away Images, Crosses and Crucifixes, &c. and passed several Votes concerning the same; and ordered those Votes to be drawn into Form, enjoining the due Observation of the same. And the Lords at the same Time declar'd themselves to have the Book of *Common-Prayer* to be observed in all Churches, without any Omission or Alteration; and that none should offer any Contempt at the Use of it. This begot a Conference between both Houses, in which the Commons desir'd their Lordships to consent unto the Declaration ensuing, and to join with them in the Publication thereof.

The Commons Vote against *Innovations*, Images.

The Lord's declare for the Observation of the Book of *Common-Prayer*.



An. 1641.

*A Declaration of the Commons in Parliament, made Sept. the 9th. 1641.*

**T**He Knights, Citizens and Burgeses of the Commons House, having received many great Complaints from the severall Parts of this Kingdom, of heavy Grievances upon divers of his Majesty's Subjects, by the excessive pressing of some Matters concerning Religion, which are in their own Nature indifferent, by Pretext or Colour of the Laws now in Force; and by the unlawful enforcing other Things without any Colour of Law; and considering that a full Reformation cannot be made in this streight of Time, did for the Comfort and Ease of the People, frame and Order in manner following:

*Die Mercurij, 8 September, 1641.*

**W**Hereas divers Innovations, in or about the Worship of God, have been lately practised in this Kingdom, by enjoining some Things, and prohibiting others, without Warrant of Law, to the great Grievance and Discontent of his Majesty's Subjects. For the Suppression of such Innovations, and for Preservation of the publick Peace, it is this Day ordered by the Commons in Parliament assembled, That the Church-wardens of every Parish-Church and Chappel respectively, do forthwith remove the Communion-Table from the East-end of the Church, Chappel, or Chancel, into some other convenient Place, and that they take away the Rails, and level the Chancels as heretofore they were before the late Innovations.

That all Crucifixes, scandalous Pictures, of anyone or more Persons of the Trinity, and all Images of the Virgin Mary, shall be taken away and abolish'd; and that all Tapers, Candlesticks and Basons, be remov'd from the Communion-Table.

That all Corporal Bowing at the Name (*Jesus*) or towards the East-end of the Church, Chappel, or Chancel, or towards the Communion-Table, be henceforth forborn.

That the Orders aforesaid be observed in all the severall Cathedral Churches of this Kingdom, and all the Collegiate Churches or Chappels in the two Universities, or any other part of the Kingdom; and in the Temple-Church, and the Chappels of the other Inns of Court, by the Deans of the said Cathedral Churches, by the Vice-Chancellor of the said Universities, and by the Heads and Governors of the severall Colleges and Halls aforesaid; and by the Benchers and Readers in the said Inns of Court respectively.

That the Lord's Day shall be duly observed and sanctified: All Dancing, or other Sports, either before or after Divine-Service be forborn and restrained; and that the Preaching of God's Word be permitted in the Afternoon, in the severall Churches and Chappels of this Kingdom, and that Ministers and Preachers be encouraged thereunto.

That the Vice-Chancellors of the Universities, Heads and Governors of Colleges, all Parsons, Vicars, Church-wardens, do make Certificates of the Performance of these Orders; and if the same shall not be observed in any of the Places afore-mention'd, upon Complaint thereof made to the two next Justices of Peace, Mayor, or head Officers of Cities or Towns Corporate: It is ordered, that the said Justices, Mayor, or other head Officer respectively, shall examine the Truth of all such Complaints, and certifie by whose default the same are committed: All which Certificates are to be delivered in Parliament before the Thirtieth of October next.

And did upon the Eighth of September, in a Conference with the Lords, desire their Lordships to consent unto it, and to join with them in the publishing thereof, whereunto they never receiv'd Answer; but contrary to their Expectation, upon this present Ninth of September, being the Day intended for the Recess of both Houses, they received in a Conference from their Lordships, an Order dated January the 16th, 1640. in these Words:

*Die*



Die Sabbati 16 Januarij, 1640.

16 Car.

IT is this Day Ordered by the Lords Spiritual and Temporal in the High Court of Parliament assembled, That the Divine Service be performed as it is appointed by the Acts of Parliament of this Realm : And that all such as shall disturb that wholesome Order, shall be severely punished according to the Law : And the Parsons, Vicars and Curates, in the severall Parishes, shall forbear to introduce any Rites or Ceremonies that may give Offence, otherwise than those which are established by the Laws of the Land.

And one other of this present ninth of September ; in these Words:

*Resolved upon the Question this ninth of September, 1641,*

That the abovesaid Order shall be Printed and Published.

Desiring that the Commons would join with them in publishing thereof, which being presented to the House of Commons, it was thought unreasonable at this Time to urge the severe Execution of the said Laws ; whereupon it was voted, that they do not consent to those Orders, or either of them.

And they have thought fit to make this Declaration, That it may be understood, that the last Order of the Lords was made with the Consent only of eleven Lords, and that nine other Lords then present, did dissent from it ; so that it may well be hoped when both Houses shall meet again, that the good Propositions and Preparations in the House of Commons, for preventing the like Grievances, and reforming the Disorders and Abuses in Matters of Religion, may be brought to Perfection ; wherefore they expect that the Commons of this Realm do in the mean time quietly attend the Reformation intended, without any tumultuous Disturbance of the Worship of God, and Peace of the Kingdom.

*Resolved upon the Question,*

That this Declaration shall be forthwith Printed and Published.

Mr. Pym, Sir Gilbert Gerard, Sir John Franklin, Sir John Culpepper, Mr. Wheeler, Sir Henry Mildmay, Mr. Bridgeman, Sir Thomas Bowyer, Sir Thomas Barrington, Sir Edward Hales, Sir William Litton, Sir Richard Cave, Mr. Robert Goodwin, Sir Samuel Luke, Mr. Wingate, Sir Robert Pye, Alderman Soames, Alderman Pennington, Captain Venn, Mr. Vassal, Lord Faulkland, Captain Rainsborough, Mr. Bence, Sir Peter Wentworth, Mr. Holland, Mr. Winwood, Mr. Scawen, Mr. John Goodwin, Sir Thomas Dacres, Mr. Morley, Mr. Martin, Mr. Arthur Goodwin, Sir John Clotworthy, Mr. White, Mr. Solicitor, Mr. Spurstow, Mr. Laurence Whitaker, Mr. Serjeant Wilde, Mr. Strode, Sir Henry Vane, Mr. Glyn, Sir Simon D'ewes, Sir William Drake, Mr. Beddingfield, Sir Gilbert Pickering, Mr. Blakestone, and Mr. Waller.

The Names of the Committee appointed to sit during the Recess. September 9.

This Committee is to meet on Saturday next in the Exchequer-Chamber, at Nine of the Clock in the Forenoon ; and are to meet every Tuesday and Saturday in every Week, and at such other Times as they shall think fit, during the Recess ; and they, or any Six of them, have Power to meet with the Committee of the Lords, appointed during this Recess, at such Times as they shall appoint.

The Power granted to the Committee appointed to meet during the Recess.

*Resolved, upon the Question,* That the Committee appointed by this House, during this Recess, shall have Power to receive and open such Letters as shall come from the Committees in Scotland, and to give Answer according to the former Instructions and Orders of this House.

*Resolved, &c.* That this Committee shall take care, that the Orders of this House be punctually observed, concerning the Disbanding of the Army, Train of Artillery and Garrisons, and for the sending down of Monies to those Purposes accordingly.

*Resolved, &c.* That this Committee shall have Power to recall the Committee in Scotland, if they see Cause. And it is further

*Resolved, upon the Question,* That this Committee shall have Power to go on with Preparations for Proceedings against the Principal of such Delinquents as are already voted or complained against in the House ; and to report any Offers which they shall make to the House.



An. 1641.

That upon Information of any Riots or Tumults, they shall have Power to send all Sheriffs, Justices of Peace, and other Officers, to stir them up to their Duty in repressing them; and to report to the House any Failure of Obedience to that sending:

To examine the Entries of the Clerks Books; and to that end that the Committee may not mistake any past Action of the House, a Clerk is to be left there with his Books:

To take care of the Preservation of his Majesty's Revenue, and to take into Consideration any Accompts of his Majesty's:

To go on in the Prosecution of the Considerations of a *West-India* Company:

To take into Consideration the Fishing upon the Coasts of *England*, *Scotland*, and *Ireland*:

To take into Consideration the Abuses of Exchanging and Transporting of Monies betwixt this and other Kingdoms:

To prepare the *Irish* Causes depending, to be either at the Access transmitted to the Lords, or recommended to the *Irish* Parliament:

To consider about Salt-petre and Gun-powder:

To send for any Persons, Writings or Records:

To prepare a Discharge for the Earl of *Warwick*, according to those Acquittances he hath given concerning the Northern Counties.

Ordered, That 30000 *l.* out of the first Monies that shall come to the Treasury and Commissioners in *London*, for the Poll-Money, shall be issued forth by this Committee, appointed to sit during the Recess, for the Payment of the Garrisons of *Berwick* and *Carlisle*, to the Pay-Masters of those Garrisons; and that the Committee shall enquire into the State of the Monies due to those Garrisons, and take Care for the further Payment of such Monies, as shall appear to be due unto them, over and above the 30000 *l.*

The House doth adjourn it self 'till *October* 20, at Eight of the Clock in the Morning.

The House of Lords also appointed a Committee, viz. The Lord-Keeper, Lord Privy-Seal, Lord-Chamberlain, Earl of *Warwick*, Earl of *Clare*, Earl of *Denbeigh*, and Earl of *Cleveland*, to sit during the Recess, and join with the Committee of the House of Commons, to receive and open Letters from the Committee of both Houses in *Scotland* (which are to be directed to the Lord-Keeper) and to return Answers: To recall the said Committees when they shall think fit: To assist about disbanding the Army, and removing the Magazine at *Berwick* and *Carlisle*, and sending down Money to the Army, if need be; and to report to the House at next Meeting.

Mr. *Pym* reports, and gives an Account what the Committee appointed to sit during the Recess, had done, in pursuance of the Orders of the House given to that Committee.

The first Thing (saith Mr. *Pym*) we had in debate, was in reference to the Declaration of the House concerning Innovations: The Committee hath sent divers of them into the Country; and have found, that in some Places where there were good Ministers, they were entertained, and in some other Places neglected; but, for the most part, it is by those who have been questioned here for other Matters.

The Committee took into Consideration the Intentions of the House, concerning the publishing of the Declaration; and therefore they gave Directions, requiring the publishing thereof in Churches, and that the Church-wardens might see the Execution thereof. Some Particulars of this will come in special Report hereafter.

The next Thing the Committee did take into Consideration, was, the Correspondence with the Committee in *Scotland*, in receiving Letters from them, and sending Answers unto them. I shall not need to produce their several Letters now; it will take up too much Time: But the chief Point was, touching the disbanding the Army, and two Garrisons of *Berwick* and *Carlisle*. As for *Carlisle*, it is totally disbanded, and the Soldiers sent into *Ireland*, to be placed there, as they were before in the King's Army.

As for the Garrison of *Berwick*, that required longer Time of Consideration at the Committee: For besides the demolishing of the Works, which was much pressed by the *Scots*, and seconded by his Majesty out of *Scotland*, there was a

Septemb. 9.  
The House  
adjourns un-  
til Octob. 20.  
The Com-  
mittee of  
Lords during  
the Recess.

Report of  
Proceedings  
during the  
Reports made  
Octob. 20.  
The first  
Day of the  
Parliament's  
Access.  
Of the De-  
claration a-  
gainst Inno-  
vations.

Of disband-  
ing the Ar-  
my.



want of Money; yet the Committee got sufficient to disband all, and sent it down: And because the Scots Commissioners desired to know a certain Day of our disbanding, and then they would, upon Knowledge of that, disband their Forces; thereupon the Committee set down *October* the Fifteenth, to be the last Day of disbanding. And the Letters Yesterday received from Sir *Michael Earnly* (Governour of *Berwick*) shew, That he hath Money enough to disband all; and that the Horse are disbanded, and five Companies of Foot: And that on *Friday* last, the other Company of Foot remaining, had been disbanded, but that a Letter came from Sir *Henry Vane*, in his Majesty's Name, requiring to stay the disbanding of the rest 'till further Order, of which you shall hear more particularly, when I come to that part of my Report.

As for the Arms and Ammunition at *Carlisle*, the Committee gave order for the safe laying of them up, to be well kept 'till the next Spring, that it be more seasonable to send for them away, they being now five or six Miles from the Sea-side.

As for the Ammunition at *Berwick*, the Committee hath sent six Ships to transport the same to the *Tower*, and agreed with them for a certain Sum for the doing thereof within such a Time; and if they staid longer, to have so much *per Diem* for Demurrage.

The next Thing we took into Consideration at the Committee was, concerning Tumults; and though we cannot say there were any great Tumults, yet there were Seeds sown, which might have occasioned some in the Execution of the Order of the House touching Innovations; but I shall make a particular Report of those Parishes where they were like to come to Blows, if the Committee had not sought the Prevention of it, which was the Ground why the Committee entertained their Petitions.

There was another like Trouble and Sign of Tumults, by the frequent Resort of Troopers to Town, and to the Committee, who delivered thirty several Petitions to the Committee in their own Names, and the Names of other discontented Persons in the Army. We could not refuse to accept their Petitions, lest they should grow to Tumults; and of their Complaints, and the Nature of them, I shall give you a particular Report. But the Committee did vote nothing concerning them; yet it were very fit to resolve something concerning them, that they may depart the Town. Under the Name of Soldiers, there are many Robberies committed, which occasioned the Committee to give order, That all that desired to have Passes to go beyond Sea, might have the same: But that would not serve their Turns, unless they might have Liberty to have Pay here, to go into Companies, under Conduct, to the Service of other Foreign Princes; which the Committee could not give Way unto, in regard of the Ordinance of both Houses to the contrary.

There is another Head the Committee had in Charge, concerning the King's Revenue: All we could do in that, which I did by Direction of the Committee, was, to take care for a Balance touching the same; and accordingly I spake with the King's Officers about it; and a Balance will be ready when you please to call for it.

The next was concerning the Exchange beyond Seas: I think, as to that, there will be good Returns made for the Benefit of the Commonwealth.

Another Thing was, concerning the *Irish* Petitions: That the Gentleman who used to be in the Chair for *Irish* Affairs, Mr. *Whistler* by Name, was out of Town, and had most of their Petitions with him: Only one Mr. *Cope*, and Mr. *Lomack*, who had long attended, had their Case made known to the Committee; the one desiring to have two Witnesses examined, upon a Petition here depending, who are ready to go to Sea; and the other, Mr. *Cope*, of *English* Parents, and of a great Family, is a Petitioner for Recovery of an Estate of great Value, which he conceives hath been long and wrongfully kept from him.

The next Thing in Charge was, concerning Delinquents: In that we made but a small Progress; for we had a Desire to have perfected the Charge against the Lord Archbishop of *Canterbury*; but in regard those of the Long Robe of the Committee, were for the most part absent, we could not proceed therein.

Next there came to me, at my Lodging in *Chelsea*, Sir *John Berkley*, and Sergeant Major *O Neal*, who had rashly withdrawn themselves; but upon better Consideration, understanding they were accused, they returned, to submit to the

16 Car.

Tumults.

Troopers.

King's Revenue.

Petitions from Ireland.

Delinquents

Sir John Berkley.  
Maj. O Neal.



An. 1641.

Conspiracy  
in Scotland.Votes of the  
Commons  
upon this  
ReportConference  
with the  
Lords about  
some Affairs  
in Scotland.

the Pleasure of the House. I thought it my Duty to make some Privy-Counsellor acquainted therewith; whereupon I went to my Lord *Wilmot* with them, who undertook they should attend the Committee the next sitting; which they did accordingly: And in pursuance of the Order and Warrant of the House for their Apprehension, they were attached by the Serjeant-at-Arms.

As for the Letters last received from *Scotland* to the Committee, they speak of something intended to be done there, upon the Persons of divers Lords of *Scotland*; and in regard some of the Persons suspected to have a hand in that Design, are suspected to be Papists, the Committee did conceive they might have Correspondence with the like Party here; and therefore commanded me Yesterday to write to the Lord-Mayor of *London*, to place convenient Guards in several Places in the City, 'till he received farther Directions from the Parliament; and likewise to the Justices of the Peace in *Middlesex* and *Westminster*, and *Southwark*, to observe such farther Directions as they should receive from the Earl of *Essex*, who, who in his Majesty's Absence is appointed General on this side *Trent*.

I forgot to report one Thing, That upon *Tuesday* last was Se'ennight, the Committee here agreed and so ordered, That the Committee in *Scotland* should, unless they saw Cause to the contrary, return home; and lest our Letters might miscarry, commanded me to send an Express Messenger to them; and I did so; and wrote also by the Weekly Post of our Order, as also the last Order for their coming home. Upon this Report, it was

*Resolved*, upon the Question, That a Conference be desired presently with the Lords, concerning the securing of the Kingdom and Parliament.

*Resolved*, That Sir *John Berkley* be sent a Prisoner to the Tower, and *Daniel O Neal* to the Gate-House.

Mr. *Pym* doth farther report the Heads for a Conference to be desired with the Lords, concerning the Safety of the Kingdom:

First, That a Letter from the Committee in *Scotland*, dated *Octob. 14*, be read at the Conference; and that this House hath taken into Consideration, That when there was a Design, somewhat of the same nature in this Kingdom, to seduce the King's Army, and interrupt the Parliament here, that there was the like Design at that time in *Scotland*.

Next to mention, That the principal Party named in that Design in *Scotland*, the Lord *Crawford*, is a Person suspected to be Popishly affected; and therefore may have Correspondence with the like Party here.

Next, that it hath been lately published here, That some Things were to be done in *Scotland*, before it brake out there. Therefore we may suspect some Correspondence here, and so upon these Grounds, propound, That a strong Guard be kept in the Cities of *London* and *Westminster*. And, secondly, That Care be taken for the future, for the Defence of the whole Kingdom. But this in general.

Next, to let them know, That the Garrison of *Carlisle* is totally disbanded, and of the Garrison of *Berwick*, there remain only five Companies of Foot, and that all the Horse are disbanded: And to acquaint the Lords with his Majesty's Directions, sent by Secretary *Vane*, for the stay of those five Foot Companies of Soldiers; but that the Money designed for that Service, to disband those Men, was proportioned only until the 15th of *October*; and that therefore the Commonwealth should be at no further Charge concerning the same, either for the Men or Shipping that are to stay there until Order be taken, and Money sent down for their disbanding, according to the Treaty.

*Ordered*, By the House of Commons, That another Head of this Conference shall be to move, That an Express Messenger be sent to the Committee of both Houses in *Scotland*, to let them know, That the Parliament takes well their Advertisement; and that they conceive the Peace of that Kingdom concerns the Good of this: And that if there be any Tumults to oppose the Act confirmed by both Kingdoms, that his Majesty will command any Assistance to suppress them: That both Houses will be ready to maintain his Majesty in his Greatness, and to suppress those who are Disturbers of the Peace.

The Heads thus prepared for a Conference, were afterwards communicated to the Lords, who were very sensible of the Matters to them reported; and speedily taking the same into Consideration, agreed in all the Proposals made by the House of Commons.

The



*The Contents of the Letter to be sent to the Committee in Scotland,  
Octob. 22, was to this Effect :*

**T**HE Advertisment which you have given in your Letters of the Fourteenth of this Month, concerning the Design against the Persons of the Lord Marquiss of *Hamilton*, and the Earls of *Argyle* and *Lanerick*, have been communicated to the Houses, who do very much commend your Wisdom, in sending them timely Notice of an Accident of such great Consequence to the Peace, both of *this* and *that* Kingdom : and do give you Thanks for your Care therein : And I am to let you know, That we have received no other publick Intelligence thereof ; wherefore the Desires of both Houses are, That as long as you stay there, you continue to inform the Houses of Parliament of the further Proceedings in this Matter, and such other Accidents as may any way concern the Safety of both Kingdoms : And thereupon they have thought good to make a further Addition to your former Instructions, touching some Things which they conceive fit to be presented to his Majesty, from the Lords and Commons of his Parliament here, as you may perceive by the inclosed, which I am commanded to send to you, and commend to your Care and Wisdom, not doubting but that you will herein fully answer their Expectations and Confidence : And for the Performance hereof, their Pleasure is, That you should continue there to wait upon his Majesty, 'till you receive further Directions, or that his Majesty be pleased to come away for *England*.

*New Instructions from the Lords and Commons in Parliament, to the Committee of both Houses, now attending his Royal Majesty in Scotland, on occasion of a Design said to be there discovered against Marquiss Hamilton, &c. Octob. 22.*

1. **Y**OU shall acquaint his Majesty, That by your Advertisment, both Houses have taken Notice of the Examinations and Confessions taken in the Parliament of *Scotland*, concerning a tumultuous Design, affirmed to be undertaken by the Earl of *Crawford*, and others, against the Persons of the Marquiss of *Hamilton*, the Earls of *Argyle* and *Lanerick*, and having taken the same into Consideration, they have here Cause to doubt, That such ill-affected Persons as would disturb the Peace of that Kingdom, are not without some malicious Correspondents here ; which (if these wicked Purposes had taken effect in *Scotland*) would have been ready to attempt some such mischievous Practices as might produce Distempers and Confusions in this Kingdom, to the Hazard of the publick Peace ; for Prevention whereof, they have given Order for strong Guards in the Cities of *London* and *Westminster* ; and have resolved to take into their Care the Security of the rest of the Kingdom.

2. You shall further declare to his most excellent Majesty, That the States of his Parliament here, do hold it a great matter of Importance to the Kingdom, that the Religion, Liberty, and Peace of *Scotland* be preserved, according to a Treaty and Articles agreed unto by his Majesty, and confirmed by Act of Parliament ; of which they are bound to be careful, not only by publick Faith in that Treaty, but likewise by the Duty which they owe to his Majesty and this Kingdom ; because they hold it will be a great Means of preserving Religion, Liberty, and Peace in *England*, *Ireland*, and his Majesty's other Dominions ; and that Union of all his Loyal Subjects, maintaining the common Good of all, will be a sure Foundation of Honour, Greatness, and Security, to his Royal Person, Crown, and Dignity : Wherefore they have resolved to employ their humble and faithful Advice to his Majesty, the Power and Interest of the Parliament, and of this Kingdom, for suppressing of all such, as by any Conspiracies, Practices, or other Attempts, shall endeavour to disturb the Peace of *Scotland*, and to infringe the Articles and the Treaty made betwixt the two Kingdoms.

3. You



An. 1641.

Thirdly, You shall likewise inform the King, That whereas Orders have been given by his Majesty with Consent of Parliament, for disbanding of the Garrisons of *Carlisle* and *Berwick*; the first is already wholly disbanded, and all the Horse, and Eight Companies of Foot sent out of *Berwick*, and now Five Companies remaining, which likewise should have been discharged, at or before the 15th of this Month, if they had not been staid by his Majesty's Command, signify'd by Mr. *Secretary Vane* to Sir *Michael Earnley*, Lieutenant Governor, according to Direction in that behalf.

And whereas by Order of Parliament, Six Ships have been sent for Transporting his Majesty's Munition, and other Provisions in that Town, and in the Holy Island, all which have been of very great Charge to the Commonwealth; wherefore the Commons now assembled in Parliament have declared, that they intend to be at no further Charge for the longer Stay and Entertainment of those Men, or for the Demurrage of the said Ships, if by Occasion of this Direction they be kept out longer than was agreed upon.

Ordered, That this House do meet every Morning by Eight of the Clock, and sit till Two, and that they shall take into Consideration the general Business of the whole Kingdom only; and that all private Business shall be laid aside till November next, wherein the Lords concurr'd.

This Day the Trained Bands of *Westminster* attended all Day in Arms in the Palace-Yard at *Westminster*, till both Houses rose; at which Time they received Directions from the Earl of *Essex* (Lord General in the King's Absence) to divide their Company into two Parts, to the end 100 might attend for the Day, and to be relieved at Night by the like Number.

This Day was spent in Debate about the Bill to disable Persons in Holy Orders to exercise Temporal Jurisdiction, &c.

There being a Complaint made by some Parishioners of *Cripplegate*, for not obeying the late Order of the House of Commons of the 9th of September, a Debate hereupon arose, and Sir *Edward Deering* made this

## S P E E C H.

Mr. Speaker,

IT is very true (as is instanced unto you) that your late Order and Declaration of the 8th and 9th of September, are much debated and disputed abroad; perhaps it may be a good Occasion for us to re-dispute them here.

The Intent of your Order to me seems doubtful, and therefore I am bold, for my own Instruction, to propound two *Queries*.

1. How far an Order of this House is binding?
2. Whether this particular Order be continuant, or expir'd?

Your Orders (I am out of doubt) are powerful, if they be grounded upon the Laws of the Land: Upon that Warranty we may by an Order, enforce any thing that is undoubtedly so grounded; and by the same Rule we may abrogate whatsoever is introduc'd contrary to the undoubted Foundation of our Laws. But, Sir, this Order is of another Nature, another Temper, especially in one part of it; of which (in particular) at some other Time.

Sir, There want not some abroad, Men of Birth, Quality and Fortune, such as know the Strength of our Votes here as well as some of us, (I speak my own Infirmities) Men of the best Worth, and of good Assistance in us, and no way obnoxious to us: They know they sent us hither as their Trustees, to make and unmake Laws; they know they did not send us hither to Rule and Govern them by Arbitrary, Revocable and Disputable Orders, especially in Religion. No Time is fit for that, and this Time as unfit as any: I desire to be instructed herein.

Mr. Speaker, In the second Place, there is a Question whether this Order (whereupon the present Complaint is grounded) be permanent and binding, or else expir'd, and by our selves deserted? I observe, That the Order being made the 8th of September in hope the nof Concurrence therein by the Lords; that failing, you did issue forth your last Resolution by way of Declaration, wherein thus you express your self; That it may well be hoped, when both Houses shall meet again,

*Westminster*  
Train'd-  
Bands.

Sir *Edward*  
*Deering's*  
Speech, 21  
October, 1641,  
about the Or-  
der of the 8th  
of September,  
for removing  
the Rails  
from Com-  
munion-Ta-  
bles, and  
forbidding  
Bowling at  
the Name of  
*Jesuit*, &c.



again, that the good Propositions and Preparations in the House of Commons, for preventing the like Grievances, and reforming the Disorders and Abuses in matters of Religion, may be brought to Perfection; wherefore you do expect, that the Commons of this Realm do in the mean time (What, obey and perform your Order made the Day before? No such Thing, but in the mean time) quietly attend the Reformation intended.

16 Car.

These are your Words, and this my Doubt upon them, whether by these Words you have not superseded your own Order? Sure I am, the Words do bear this Sence, and good Men may think and hope it was your meaning.

My humble Motion therefore is this, I beseech you to declare, That upon this our Reconvention, your Order of the 8th of September is out of date: and that the Commons of England must (as you say) quietly attend the Reformation intended; which certainly is intended to be perfected up into Acts of Parliament. And in the mean time, that they must patiently endure the present Laws, until you can make New, or mend the Old.

The next Day the House debating the Bill for disabling Persons in Holy Orders, to exercise Temporal Jurisdiction; it being urged by a Member, that to the words *ought not*, should be added, *and that is inconsistent with their Function*. The same Day Sir Edward Deering reply'd in this

## S P E E C H.

Mr. Speaker,

HOWEVER I am resolv'd in my private Opinion of the Inexpediency and Unlawfulness of Clergymen's holding Secular Jurisdiction (*Duo gladij non sunt in unum conflandi & conferruminandi*:) Yet, Sir, my inward Resolution doth not presently make me a Judge in a Dogmatical Point; nor do I know that this Place doth inable me with that Capacity. If it be my private Opinion, yet I desire not to bind the Judgment of the Land herein by an Act of Parliament, although determining to my own Sence.

Sir Edward Deering's Speech 22. October, about Bishops.

Certainly, Sir, This Point of Inconsistency will lead this House (much more that of the Lords where the Bishops are) into a Debate, which may more safely and prudently be avoided. I have formerly, and again I pray you, That we may not engage our selves into the Determination of Doctrinal Points in Divinity; perhaps it is not proper for us, and for my part I do think we are not herein *idonei & competentes Judices*.

Was it ever heard or seen, that a Set of Laymen, Gentlemen, Soldiers, Lawyers, Merchants, all Professions admitted, but the Profession of Professions for this Work, Divines alone excluded? That we should determine upon Doctrinal Points in Divinity? Theology is not so low, so facile a Trade. Let us maintain the Doctrines that are Establish'd; to declare New, is not fit for our Assembly. And for my part I do think, I have found daily Cause to wish these Resolutions recommended unto other Resolvers.

Mr. Speaker, Divines are herein (in Dogmatick Resolutions of Religion) concern'd as much, as well, as we. They are a considerable Party, and ought not to be bound up unheard. It was a prevailing Argument with me against the late Canons, that they could not bind us of the Laity, being a distinct several Body, no way involved in their Votes. Our Plea was, that we neither had a Decisive Voice to determine with them, nor a Deliberative Voice to consult with them, nor an Elective Voice in choice of their Persons to make them our Trustees to determine for us; nor lastly, (as at least we should have) a Susceptive Voice in a Body of our own to receive their Resolutions, and of our selves to submit unto them. These things are of a Nature fit to be discuss'd by grave Divines, in a free Synod of Divines to be chosen by Divines. In the mean time, let not us be guilty of the same which we have condemned in them; we ought not to pay Injury with Wrong. They cannot be bound where they are no way Parties: For it is a Rule in Nature, Reason and Religion, *Quod omnes tangit, ab omnibus tractari debet*: I am so good a Friend to your Bill, That for the better expediting thereof, I desire the word *Inconsistent* may not stand therein.



An. 1641.

Sir Edward  
Deering's  
Speech 23.  
October, for a  
Synod.

Mr. Reading.  
Mr. Abbot.

Sir R. H.

Remon-  
strance.

The Day following, the same Gentleman made this third Speech.

Mr. Speaker,

**Y**OU have entred an Order, that nothing be treated of but Affairs of general Concernment. I will present you one, as General, as Universal, as may be.

The sad Miseries of our distracted Church, and consequently the hazard of God's true Religion with us, doth even cut my very Heart with Grief and Fear. If we let forth the Government into a loose Liberty for all Religions, we shall have none. Libertinism will beget Atheism. And truly (Sir) at present between *Papism* on the one hand, and *Brownism* on the other, narrow is the Way, and few there be that do find it, to right good *Protestantism*.

Many mournful and sad Complaints, I have of late receiv'd from Ministers, the Ablest and every way the Worthiest that I know. I could willingly name you two, one at *Dover*, the other at *Cranbrook* in *Kent*; Men upon whose Merit let my Credit stand or fall in this House. He that hath preached least of these, hath preached several Thousands of excellent Sermons to his People.

These are in no better Condition than many other deserving Men, who do generally complain with grief of Heart, to see their now infected Sheep, after long pastoral Vigilancy and faithful Ministry, to run and straggle from them more in these last ten Months, than in twenty Years before.

Give us (I beseech you, give us) a Remedy, a speedy Remedy to this growing Evil; or else our Scholars are like to turn *Papists*, *Arminians*, or *Socinians*, and all the ignorant Party will either turn Atheists, or else (which is the next Degree) make to themselves a Religion of their own, as themselves best please.

Sir, We may (for ought I see) sit here and debate our selves, and the World abroad, into more and more distances of Opinion; we are not likely to work our selves (much less others) into Unity.

What is then to be thought on? Sir, the usual, ancient, the best, and (I think) the only way of Cure is by a Council, a Free, Learned, Grave, Religious Synod.

There is in some Hand of this House (and long hath been) a Bill for a *National Synod* ready drawn; with it we are Curable, without it I look for no Peace.

My humble Motion is this, in a word, if you love the Peace of our *Jerusalem*, command forth that Bill to be forthwith read, or if that Bill be not to be had, appoint a Committee to draw up another. This is my Motion, and it is founded in a hope of Piety and Peace.

This Day also the Remonstrance of the State of the Kingdom was Order'd to be presented to the House on *Friday* next.

The Lords the same Day passed this ensuing Order, *viz.*

*Ordered*, By the Lords in Parliament, upon the humble Request of the Lord Bishop of *Rocheſter* on his own behalf, and on the behalf of the rest of the Bishops, impeached by the Commons before their Lordships, concerning the late Canons, that Mr. *Serjeant Ferman*, Mr. *Heron*, Mr. *Shute*, and Mr. *Hale*, (being publickly nam'd in the House by the said Lord Bishop) shall be of Council with his Lordship; and the other Lords the Bishops in their said Cause, with this Proviso, nevertheless, That if any of the said Council shall upon just Cause desire to be excused, and this House approve of the said Excuse, that then He or They shall not be compelled to be of the said Bishops Council, as is aforesaid.



Mr. Pym spake to this Effect following :

*My Lord,*

**T**He Parliament, the Fountain of Justice, ought to be preserved pure from Corruption, and be preserved free from Partiality, which will add, not only Lustre, Reputation, and Honour, but Authority to what is done in Parliament ; all Mens Estates and Liberties are preserved under the safe Custody of Parliament ; this moveth us to be careful of any thing that may prejudice the Parliament in point of Freedom and Integrity.

Therefore the Knights, Citizens, and Burgeses of the House of Commons, have commanded me, with my Colleague, to represent unto your Lordships two Propositions, which they hold of very great Importance and Necessity to be put in Execution at this Time.

First, That those Thirteen Bishops which stand accused before your Lordships, for making the late Book of *Canons*, and putting them in Execution, may be excluded from their Votes in Parliament.

Secondly, That all the Bishops may be excluded from having any Vote in that Act, come from the House of Commons to your Lordships, entituled, *An Act to take away the Bishops Votes in Parliament, &c.*

That which concerneth the Thirteen Bishops, falleth to my Charge to open, as I am commanded to tell your Lordships, that it standeth not with Honour and with Justice, that these Bishops should have Votes, standing thus charged with the Breach of Trust, and of the highest Trust, against the Prerogative of the King, against the Privilege of Parliament, against the Property of the Subject, and against the Peace of the Kingdom ; these are the Jewels that are depos'd under the Trust and Safe-guard of Parliament, and all these have been broken ; and this appeareth by the making of the new *Canons* Voted by your Lordships to be against all these Trusts.

That these Persons have been Parties to the Breach of this Trust, that will appear by the Journals of the Convocation, which is now in the Country, and may be sent for ; the Entry of the Book is, That all the Thirteen Bishops were Parties, and did Confirm and Subscribe these *Canons* ; therefore it is hoped by these *Canons*, that those that have assumed to themselves a Legislative Power, whereby they have, as much as in them lies, rooted out the Foundation of Parliament, that they should have no Interest in the Legislative Power at all in Parliament.

Next, That those that have depriv'd the Subjects of those goods Laws that are already made for them, that they should have no Interest or Part of making future Laws for the Subject ; this they conceive standeth with a great deal of Equity and Justice, which is one Reason to desire they should be excluded from their Votes in Parliament.

Next is, The Heinousness of their Offence. It is very fit they should be innocent Men, and faithful Men, that should have the Exercise of so great a thing as it is ; much less then should they be Delinquents of so high a Nature, Actors in the Subverting of the Laws of the Realm, that they should continue their Votes and Places in Parliament : And that their Delinquency may the better appear, you are desired to read the Votes passed in the House of Commons (*nullo Contradicente*) and with which the Lords have concurred and agreed.

Then the Votes touching the making of the said *Canons* herein before recited, were read by Mr. Goodwin.

And then Mr. Solicitor *St. Johns* proceeded to this effect :

That he was in the next Place to present some Reasons and Precedents concerning the Bishops not having their Votes touching the Bill, entituled, *An Act to take away the Bishops Votes in Parliament, &c.*

1. Because they have no such Inherent Right and Liberty of being there, as the Lords Temporal, and Peers of the Realm have ; for they are not there

16 Car.

Mr. Pym's Speech at a Conference with the Lords, touching the thirteen Bishops accused for making the *Canons*, and for Sequestrating their Votes in Parliament.

Mr. Solicitor *St. Johns* Speech about Bishops Votes.



An. 1641.

*Representative* of any Body else: No, not of the Clergy; for if so, then the Clergy were twice represented by them, *viz.* In the Lords House, and in the Convocation: For their Writ of Election is to send two Clerks, *Ad Consentendum, &c.* Besides, none are there Representative of others, but those that have their Suffrages from others; and therefore only the Clerks in the Convocation do represent them.

2. They have not the Inherent Right of Peerage as the Lords have, because in some Things they cannot do that there, which the Lords may do in case of Treason and matter of Blood. Upon Tryal of any Peer they have no Liberty of Vote, which could not be taken away by any Canon, if their Right of Voting there were inherent.

3. If they were Representatives of the Clergy, as a *Third Estate* and Degree, no Act of Parliament could be good, if they did wholly disassent; and yet they have disassented and the Law good and in force, as in the Act for Establishing the Book of *Common-Prayer* in *Queen Elizabeth's time*; they did disassent from the confirming of that Law which could not have been good, if they had been a third Estate and disassented.

4. The King may hold his Parliament without calling the Bishops at all to it, as hath been adjudged by all the Judges of *England*, 7 *Hen. 8.* occasion'd by the Convocations citing one Doctor *Standish* for speaking of words against their Power and Privilege as they conceiv'd: In that Case all the Judges of *England* in the presence of the King, declar'd, That the King might hold his Parliament without calling them at all.

So 25 *Edward 1.* In respect the Prelacy would not agree with the rest of the Kingdom, in granting a reasonable and necessary Aid and Supply, they were excluded in the Parliament at *Carlisle*: And before that Parliament, an Act passed against several Oppressions of the Abbots, Priors, and Bishops upon the inferior Clergy of the Kingdom, by Purveyance and setting of high Prizes, &c. to be collected; and six or seven Acts more, all to this Purpose, concerning the Carriage of the Prelates to the inferior Clergy; so that when themselves were concern'd, they were excluded their Votes.

In all these Records of the Matters concerning the Clergy, the Entry is, That the King, *habito tractatu, &c.* with the Earls, the Barons, and other the Nobles, &c. hath agreed to this Act, Or by the assent of the Earls, Barons, and other Lay People: which shews that the Bishops did not consent, for if they had, they should have been first nam'd before the Earls and Barons: For the order of naming the Degrees of Nobility in all ancient Records, is, Prelates, Earls, and Barons.

Thus 3 *Richard 2.* There being Provision, The Pope should not make Presentation, &c. it is said, that the Petition of the Commons was assented to by the King, and the Lords Temporal, and was always esteem'd a firm Act of Parliament, notwithstanding the Bishops opposed the same.

Wednesday  
October 27.  
Protections.

Mr. Reynolds made a long Report against Protections granted by Parliament Men, and also of the Privilege that People require, by virtue of their places of Antendance upon the King and Queen; whereupon several Resolutions did pass, which are not very material; only he concluded his said Report, by offering unto this House the Reasons from the Common Council of *London*; how that Money will hardly ever be got from the City, if these Protections and Privileges be not taken away.

October 28.

The House of Commons this Day took seriously into Consideration publick Affairs, and the fear of Distractions; and made an Order, that no private Business shall be taken into Consideration till *Michaelmas* Term next, nor private Committee to sit without special Order; and that all Witnesses now in Town, about Matters depending in Parliament, shall depart the Town till they receive further Summons.

Mr. King,



Mr. King, a Member of the House, made a further Report of the Soap-business, and it was.

*Resolved upon the Question*, That all those who made the Decree in the Star-Chamber, are Delinquents.

*Resolved, &c.* That the Proclamation dated the 26th of January, 1633. made in pursuance of the Decree in the Star-Chamber of the 23d of August, 1633. for Regulating the Trade of Soapers; and two other Proclamations, the one dated the 13th of July, 1634. the other the 25th of January, 1634. concerning Soapers, are illegal, and tend to the Subversion of the Laws of this Realm, and are against the Liberty of the Subject.

*Resolved, &c.* That the Restraining of the Subjects Persons, the Examination of them upon Oaths against themselves, the imposing of Fines upon them, and the sharing of those Fines by colour of the Order of the Council-Table, dated the 18th of October, 1636. and a pretended Commission directed to Sir John Hales Knight, and John How Esquire, are illegal, and a Grievance to the Subject, and they, for the doing thereof, are Delinquents.

*Resolved*, That the Matters agreed upon by the Indenture of Covenants, dated the 12th of April, 1636. made between the King and Sir Henry Compton, and the rest of the Soapers at Westminster, were illegal, a great Grievance to the Subject, and of dangerous Consequence in the execution thereof.

*Resolved*, That those several Parties who were Covenanters with the King by the said Indenture of Covenants, are Delinquents, and ought to make amends to the Commonwealth, and to all such, as after those Covenants were entered into, were restrained from the Use of their Trades of making Soap, or sustained any loss in their Fats, Pans, or otherwise, by occasion of the Corporation of Westminster.

*Resolved*, That the Obligations entred into by the Soapers of London, to his Majesty, upon their Deliverance out of Prison, on the Star-Chamber Sentence, conditionally, That they would not make any more Soap, without a License from the Corporation of Westminster, were illegal, and contrary to the Liberty of the Subject.

*Resolved, &c.* That Sir John Hales, Francis Plowden, Fitzwilliams Conisby, Edmund Windham, John Gifford, George Vaughan, Sir Edw. Stradling, &c. shall be sent for as Delinquents, being concerned in the Soap-business.

*Resolved*, That a Conference be desired with the Lords, to desire them to enjoin the Marquis of Hartford to take the Prince into his Charge, and to give his personal Attendance on the Prince, 'till the Houses give further Order; and that he suffers no Servants to be about the Prince, but such as he will be answerable for, and that this be imparted to the Lords at the Conference.

Hitherto I have proceeded by way of *Diary*, and follow'd the Series of Time, in representing Matters of Fact as they happen'd; but henceforwards several important Affairs intervening, will oblige us a little to deviate from that Method, and rank Occurrences of one kind together, for some good space of Time, in their particular *Class*; since otherwise the progress of Proceedings therein, would not be so readily understood by the Readers, as when thus cast into distinct Chapters; yet withal, as to lesser and shorter Passages, we shall still deliver them in their due precedency of Time, as before.

And since we are now arrived at the Discovery of the Plot and Rebellion of the Papists in Ireland, we shall begin with that.

16 Car.

Saturday,  
October 30.Proclamation  
tending  
to the Sub-  
version of  
the Law.Examining a  
Man against  
himself, is  
illegal.The Inden-  
ture of Cove-  
nants a great  
Grievance.The Cove-  
nantees with  
the King in  
the Soap-bu-  
siness, Delin-  
quents.Bonds given  
by the Soap-  
boilers, to  
get out of  
Prison,  
illegal.Parties con-  
cerned in the  
Soap-busi-  
ness, sent for  
as Delin-  
quents.Marquis of  
Hartford to  
take care of  
the Prince.



An. 1641.

## C H A P. I.

*Containing the Manner of the first Discovery of the Irish Rebellion. The Means used by the Lords Justices there. His Majesty and the Parliament in England to suppress the same. The Cruelties of the Rebels, and their Pretensions, and other observable Matters relating thereunto, in the Months of October, November, and December, 1641.*

Nov. 1. 1641.  
Members of the House of Peers have admittance into the House of Commons, to give them notice of the Rebellion in Ireland.  
Chairs order'd for the Lords to sit upon.

**U**Pon the First of November, Mr. Pym acquainted the House of Commons, That there was a Noble Lord at the Door, one of the King's Privy-Council; who saith, That certain Lords of the Privy-Council, Members of the House of Peers, have Business of great Importance to impart to this House; and desire to do it in Person, it being privately intimated to the House, that it was to impart Intelligence, newly come, of the breaking out of a Rebellion in Ireland.

The House thereupon ordered Chairs to be set for those Lords: And as they entered into the House, they came uncovered, the Serjeant carrying the Mace before them. Likewise the Members of the House of Commons at their coming, were uncovered, 'till their Lordships were set on their Chairs; which being done, both the House and the Lords sat covered.

The Lords that came were these: The Lord Keeper of the Great Seal of England, the Lord Privy-Seal, the Lord High Chamberlain, the Lord Admiral, Earl-Marshal, Lord Chamberlain, Earl of Bath, Earl of Dorset, Earl of Leicester, Earl of Holland, Earl of Bristol, Earl of Berkshire, Lord Viscount Say and Seal, Lord Goring, Lord Wilmot; being all Lords of his Majesty's most Honourable Privy-Council.

The Lord Keeper first spake.

The Lord Keeper first stood up, and said, That the occasion of their coming thither, was, To impart what Intelligence they had received out of Ireland, of a great Conspiracy in that Kingdom, to enter into an Attempt of Hostility, and to raise Rebellion, which was discovered but the Night before it was designed to be put in Execution: Therefore, because it is a Matter of great Importance, and requires a speedy Resolution to suppress them in the beginning, the House of Peers have thought fit to communicate this Matter to this House.

The Earl of Leicester, Lord Lieutenant, spake next.

The time of putting the Plot in execution on Ignatius's Day.

Then the Earl of Leicester, (some time before made Lord Lieutenant of Ireland) stood up, and spake, uncovered, much to the purpose of what the Lord-Keeper had said; and communicated Letters and Papers sent by the Lords Justices: Adding further, That they had Information of shedding much Blood of the Protestants there; and some of the Rebels confess, That all the Protestants were to be cut off, and not to save any British Men, Women, or Children alive, but to root them out of the Nation. That the time for putting this bloody Design in execution, was, upon Saturday the 23d of October, a Day dedicated to Ignatius, the Founder of the Society of the Jesuits. Their Design was to seize upon the King's Forts, Castles, and Magazines, throughout the Kingdom; to kill the Lords Justices, and all the King's Privy-Council, and to seize upon the Castle of Dublin, having in Ulster seized already several Forts and Magazines.

The Lord Lieutenant further added, That there must be a speedy Course taken (for a little thing will draw away Diseases at first) that there be timely Supply from England, with Men and Money, which will enable us to do great things to save Ireland; for the Safety of England depends upon it. And in the first place delivered Owen O Conally his Examination; which was read by the Clerk in the House of Commons, and was as followeth.



*The Examination of Owen O Conally, Gent. the first Discoverer of the Popish Plot in Ireland, taken before us whose Names ensue, October 22. 1641.*

16 Car.

**W**H O being duly sworn, and examined, saith, That he being at *Monimore*, in the County of *London-Derry*, on *Tuesday* last, he received a Letter from Colonel *Hugh Oge Mac-Mahon*, desiring him to come to *Connaught*, in the County of *Monaghan*, and to be with him on *Wednesday* or *Thursday* last: Whereupon he, this Examinee, came to *Connaught* on *Wednesday* Night last; and finding the said *Hugh* come to *Dublin*, followed him thither. He came hither about six of the Clock this Evening, and forthwith went to the Lodging of the said *Hugh*, to the House near the Boat in *Oxman Town*; and there he found the said *Hugh*, and came with the said *Hugh* into the Town near the Pillory, to the Lodging of the Lord *Mac-Guire*, where they found not the Lord within; and there they drunk a Cup of Beer, and then went back again to the said *Hugh* his Lodging. He saith, That at the Lord *Mac-Guire* his Lodging, the said *Hugh* told him, That there were, and would be this Night, great Numbers of Noblemen and Gentlemen of the *Irish Papists*, from all parts of the Kingdom, in this Town, who, with himself, had determined to take the Castle of *Dublin*, and possess themselves of all his Majesty's Ammunition there, to Morrow Morning, being *Saturday*; and that they intended first to batter the Chimneys of the said Town: And if the City would not yield, then to batter down the Houses, and so to cut off all the Protestants that would not join with them. He further saith, That the said *Hugh* then told him, That the *Irish* had prepared Men in all parts of the Kingdom, to destroy all the *English* inhabiting there, to morrow Morning by Ten of the Clock: And that in all the Sea-Ports and other Towns in the Kingdom, all the Protestants should be kill'd this Night; and that all the Posts that could be, could not prevent it. And further saith, That he moved the said *Hugh* to forbear executing of that Business, and to discover it to the State, for the saving of his own Estate, who said he could not help it; but said, They did owe their Allegiance to the King, and would pay him all his Rights; but that they did this for the Tyrannical Government was over them; and to imitate *Scotland*, who got a Privilege by that Course. And he further saith, When he was with the said *Hugh* in his Lodging the second time, the said *Hugh* swore, That he should not go out of his Lodging that Night; but told him, he should go with him the next Morning to the Castle; and said, If this Matter were discovered, somebody should die for it: Whereupon this Examinee feigned some Necessity for his Ease, went down out of the Chamber, and left his Sword in pawn; and the said *Hugh* sent his Man down with him: And when this Examinee came down into the Yard, and finding an Opportunity, he, this Examinee, leaped over a Wall and two Pales, and so came to the Lord Justice *Parsons*.

*Will. Parsons.*

*Owen O Conally.*

*Tho. Rotheram.*

*Rob. Meridith.*

*The Lords Justices Letter to the Lord-Lieutenant, Octob. 25. 1641. sent by Owen O Conally the first Discoverer.*

*May it please your Lordship;*

**O**N Friday the 22d of this Month, after Nine a Clock at Night, this Bearer, *Owen O Conally*, Servant to Sir *John Coltrworthy*, Kt. came to me the Lord Justice *Parsons*, to my House, and in great Secresie (as indeed the Cause did require) discovered unto me a most wicked and damnable Conspiracy, plotted, contrived, and intended to be also acted by some evil-affected *Irish Papists* here. The Plot was the then next Morning, *Saturday* the 23d of *October*, being *St. Ignatius's*



An. 1641.

*tius's* Day, about Nine of the Clock, to surprize his Majesty's Castle of *Dublin*, his Majesty's chief Strength of this Kingdom; wherein also is the principal Magazine of his Majesty's Arms and Munition. And it was agreed, it seems, amongst them, That at the same Hour, all other his Majesty's Forts and Magazines of Arms and Munition in this Kingdom, should be surprized by others of those Conspirators: And further, That all the Protestants and *English* throughout the whole Kingdom, that would not join with them, should be cut off, and so these Papists should then become possessed of the Government and Kingdom at the same Instant.

As soon as I had that Intelligence, I then immediately repaired to the Lord Justice *Borlace*; and thereupon we instantly assembled the Council; and having fate all that Night, as also all the next Day, the 23d of *October*, in regard of the short time left us for the Consultation of so great and weighty a Matter; although it was not possible for us, upon so few Hours warning, to prevent those other great Mischiefs which were to be acted, even at that same Hour, and at so great a Distance as in all the other Parts of the Kingdom: Yet such was our Industry therein, having caused the Castle to be that Night strengthened with armed Men, and the City guarded, as the wicked Councils of those evil Persons, by the great Mercy of God, became defeated, so as they were not able to act that part of their Treachery, which indeed was Principal; and which, if they could have effected, would have rendred the rest of their Purposes the more easie. Having so secured the Castle, we forthwith laid about for the Apprehension of as many of the Offenders as we could, many of them having come to this City but that Night, intending it seems, the next Morning to act their Parts in those treacherous and bloody Crimes.

The first Man apprehended was one *Hugh Mac-Mahon* Esq; (Grandson to the Traitor *Tyrone*) a Gentleman of a good Fortune in the County of *Monaghan*, who, with others, was taken that Morning in *Dublin*, having at the time of their apprehension offered a little Resistance with their Swords drawn; but finding those we employ'd against them more in Number, and better armed, yielded. He upon Examination before us, at first denied all; but in the end, when he saw we laid it home to him, he confessed enough to destroy himself, and impeach some others, as by a Copy of his Examination herewith sent, may appear to your Lordship. We then committed him, 'till we might have further time to examine him again, our time being become more needful to be employ'd in Action for Securing, than in Examining. This *Mac-Mahon* had been abroad, and served the King of *Spain* as a Lieutenant-Colonel.

Upon Conference with him and others, and calling to mind a Letter we received this Week before from Sir *William Cole*, a Copy whereof we send your Lordship here inclosed, we gathered, That the Lord *Mac-Guire* was to be an Actor in surprizing the Castle of *Dublin*: Wherefore we held it necessary to secure him immediately, thereby to startle and deter the rest, when they found him laid fast. His Lordship observing what we had done, and the City in Arms, fled from his Lodging early before Day, it seems, disguised: For we had laid a Watch about his Lodging, so as we think he could not pass without disguising himself; yet he could not get forth of the City, so securely guarded were all the Gates.

There we found at his Lodging hidden, some Hatchets, and many Skeans, and some Hammers.

In the end, the Sheriffs of the City, whom we employ'd in strict search of his Lordship, found him hidden in a Cockloft, in an obscure House far from his Lodging, where they apprehended him, and brought him before us.

He denied all, yet so as he could not deny but he heard of it in the Country, though he would not tell us when, or from whom; and confessed he had not advertised us thereof, as in Duty he ought to have done. But we were so well satisfied of his Guiltiness, by all Circumstances, as we doubted not, upon further Examination, when we could be able to spare time for it, to find it apparent. Wherefore we held it of absolute necessity to commit him close Prisoner, as we had formerly done *Mac-Mahon*, and others, where we left him on the 23d of this Month in the Morning, about the same Hour they intended to have been Masters of that Place, and this City.

This



‘ This Morning also we laid wait for all those Strangers that came the Night before to Town, and so many were apprehended, whom we find reason to believe to have hands in this Conspiracy, as we were forced to disperse them into several Goals; and we since found that there came many Horsemen into the Suburbs that Night, who finding the Plot discovered, dispersed themselves immediately.

‘ When the Hour approached, which was designed for surprizing the Castle, great Numbers of Strangers were observed to come to Town in great Parties, several ways, who not finding admittance at the Gates, stayed in the Suburbs, and there grew numerous, to the terror of the Inhabitants. We therefore to help that, drew up instantly, and signed a *Proclamation*, Commanding all Men, not Dwellers in the City or Suburbs, to depart within an Hour, upon pain of Death, and made it alike penal to those that should harbour them; which *Proclamation* the Sheriffs immediately proclaimed in all the Suburbs by our Commandment; which being accompanied with the Example and Terror of the Committal of those eminent Men, and others, occasioned the departure of those Multitudes: And in this Case all our Lives and Fortunes, and above all, his Majesty’s Power and regal Authority being still at the Stake, we must vary from ordinary Proceedings, not only in executing *Martial Law*, as we see Cause, but also in putting some to the *Rack*, to find out the Bottom of this Treason, and all the Contrivers thereof, which we foresee will not otherwise be done.

‘ On the 23d of this Month, we conceiving that as soon as it should be known that the Plot for seizing *Dublin Castle* was disappointed, all the Conspirators in the remote Parts might be somewhat disheartned, as on the other side the good Subjects would be comforted, and would then with the more Confidence stand on their Guard, did prepare to send abroad to all Parts of the Kingdom this *Proclamation*, which we send you here inclosed; and so having provided that the City and Castle should be so guarded, as upon the sudden we could provide, we concluded that long continued Consultation.

‘ On *Saturday* at 12 of the Clock at Night the Lord *Blaney* came to Town, and brought us the ill News of the Rebels seizing, with two hundred Men, his House at *Castle Blaney*, in the County of *Monaghan*, and his Wife, Children and Servants, as also a House of the Earl of *Essex*, called *Carrickmacross*, with two hundred Men, and a House of Sir *Henry Spotwood* in the same County, with two hundred Men, where there being a little Plantation of *British*, they plundered the Town, and burnt divers Houses, and it since appears that they burnt divers other Villages, and robbed and spoiled many *English*, and none but *Protestants*, leaving the *English* Papists untoucht as well as the *Irish*.

‘ On *Sunday* Morning at 3 of the Clock, we had Intelligence from Sir *Arthur Terringham*, that the *Irish* in the Town had that Day also broken up the King’s Stores of *Arms* and *Munition* at the *Newry*, and where the Store of *Arms* hath lain ever since the Peace, and where they found *four score* and *ten Barrels* of *Powder*, and armed themselves, and put them under the Command of Sir *Con. Magennis* Knight, and one *Creely* a Monk, and plundered the *English* there, and disarmed the Garrison; and this, tho’ too much, is all that we yet hear is done by them.

‘ However, we shall stand on our Guard, the best we may, to defend the Castle and City principally, those being the Places of most Importance; but if the Conspiracy be so universal, as *Mac Mahon* saith in his Examination it is, namely, that all the Counties in the Kingdom have Conspired in it, which we admire should so fall out in this time of universal Peace, and carryed with that Secrecy, that none of the *English* could have any Friend amongst them to disclose it, then indeed we shall be in high Extremity, and the Kingdom in the greatest Danger that ever it underwent, considering our want of Men, Money and Arms to enable us to encounter so great Multitudes as they can make, if all should joyn against us, the rather, because we have pregnant Cause to doubt that the Combination hath taken force by the incitement of Jesuits, Priests and Fryers.

‘ All the hope we have here is, that the old *English* of the *Pale*, and some other Parts will continue constant to the King in their Fidelity, as they did in their former Rebellions.

‘ And now in these Straights we must, under God, depend on Aid forth of *England* for our present Supply with all speed, especially *Money*, we having none, and *Arms* which we shall exceedingly want, without which, we are very doubtful what Account we shall give to the King of this his Kingdom.



17 Car.

The Popish  
Lords of the  
Pale pretend  
Loyalty, and  
would get  
Arms from  
Dublin.

The English  
Army in Ire-  
land but  
3000 Men,  
and disper-  
sed in re-  
mote Garri-  
sons.

‘ But if the Conspiracy be only of *Mac Guire*, and some other of the Kindred and Friends of the Rebel *Tyrone*, and other *Irish* in the Counties of *Down*, *Monaghan*, *Cavan*, *Fermanagh* and *Armagh*, and no *General Revolt* following thereupon, we hope then to make Head against them in reasonable Measure, if we be enabled with Money from thence, without which we can raise no Forces; so great is our want of Money, as we have formerly written, and our *Debts* so great to the Army; nor is Money to be borrowed here; if it were, we would engage all our Estates for it; neither have we any hope to get in his Majesties Rents and *Subsidies* in these Disturbances, which adds extreamly to our Necessities.

‘ On Sunday Morning the 24th we met again in Council, and sent to all parts of the Kingdom the enclosed Proclamation, and issued Patents to draw hither seven Horse Troops as a farther Strength to this Place, and to be with us in case the Rebels shall make Head, and march hitherward, so as we may be necessitated to give them Battle; we also then sent away our Letters to the President of both the Provinces of *Munster* and *Connaught*, we likewise then sent Letters to the Sheriffs of the five Counties of the *Pale*, to consult of the best Way and Means of their own Preservation. That Day the Lord Viscount *Gormanston*, the Lord Viscount *Netterville*, the Lord Viscount *Fitz Williams*, and the Lord of *Houth*, and since the Earls of *Kildare* and *Fingall*, and the Lords of *Dunsany* and *Slane*, all Noblemen of the *English Pale*, came unto us, declaring that they then, and not before, heard of the Matter, and professed *Loyalty* to his Majesty, and Concurrence with the State, but said they wanted Arms, wherewith they desired to be supplied by Us, which we told them we would willingly do, as relying much on their Faithfulness to the Crown; but we were not yet certain whether or no we had enough to Arm our Strength for the Guard of the City and Castle; yet we supplied such of them as lay in most Danger, with a small Proportion of Arms and Munition for their Houses, lest they should conceive we apprehended any *Jealousie* of them; and we commanded them to be very diligent in sending out Watches, and making all the Discoveries they could, and therefore to advertise us, which they readily promised to do; and if it so fall out that the *Irish* generally rise, which we have cause to suspect, then we must of necessity put Arms into the Hands of the *English Pale* in Present, and to others as fast as we can, to fight for Defence of the State and themselves.

‘ Your Lordship now sees the Condition wherein we stand, and how necessary it is first that we enjoy your Presence speedily, for the better guiding of these and other the publick Affairs of the King and Kingdom; and Secondly, that the Parliament there be moved immediately to advance to us a good Sum of Money, which being now speedily sent hither, may prevent the Expence of very much *Treasure* and *Blood* in a long continued War. And if your Lordship shall happen to stay on that side any longer time; we must then desire your Lordship to appoint a *Lieutenant General* to discharge the great and weighty Burthen of commanding the Forces here.

‘ Amidst these Confusions and Discords fallen upon us, we bethought us of the *Parliament*, which was formerly adjourned to *November* next, and the *Term* also now at hand, which will draw such a Concourse of People hither, and give Opportunity, under that Pretence of assembling and taking new Councils, seeing the former seems to be, in some part, disappointed, and of contriving further Danger to the State and People: We have therefore found it of unavoidable Necessity, to *prorogue* it accordingly, and to direct the *Term* to be adjourned till the first return of *Hillary-Term*, excepting only the Court of *Exchequer* for hastning in the Kings Money, if it be possible: We desire, upon this Occasion, your Lordship will be pleased to view our Letters concerning the Plantation of *Conaught*, dated the 24th of *April* last, directed to Mr. Secretary *Vane* in that thereof, which concerns the County of *Monaghan*, where now these *Fires* do first break out.

‘ In the last Place we must make known to your Lordship, that the Army we have, consisting but of 2000 *Foot*, 1000 *Horse*, are so dispersed in Garrisons in several Parts, as continually they have been since they were so reduced, as if they be all sent for to be drawn together, not only the Places whence they are to be drawn (and for whose Safety they lie there) must be by their Absence distressed, but also the Companies themselves, coming in so small Numbers, may be in danger to be cut off in their March; nor indeed have we any Money to pay



pay the Soldiers, to enable them to march. And so we take leave, and remain, from his Majesty's Castle of *Dublin*, the 25th of *October*, 1641.

17 Car.

Your Lordships to be Commanded,

William Parsons.

John Borlace.

### POSTSCRIPT.

**T**HE said *Owen Conally*, who revealed the Conspiracy, is worthy of very great Consideration, to Recompence that Faith and Loyalty, which he hath so extreemly, to his own Danger, expressed in this Business; whereby, under God, there is yet hope left us of Deliverance of this State and Kingdom from the wicked Purposes of these Conspirators; and therefore we beseech your Lordship that it be taken into Consideration there, so as he may have a Mark of his Majesty's most Royal Bounty, which may largely extend to him, and his Posterity, we not being now able here to do it for him.

To the Right Honourable, our very good  
Lord Robert Earl of *Leicester*, Lord  
Lieutenant General, and General Governour of the Kingdom of *Ireland*.

William Parsons.

His Lordship also produced a Proclamation, published by the Lords Justices, dated at *Dublin*, *October* 23. 1641. As followeth.

By the Lords Justices and Council.

William Parsons. John Borlace.

**T**hese are to make known and publish to all his Majesties good Subjects in this Kingdom of *Ireland*, that there is a Discovery made to us the Lords Justices and Council, of a most disloyal and detestable Conspiracy intended by some evil affected Irish Papists; against the Lives of us the Lords Justices and Council, and many others of his Majesties faithful Subjects universally throughout this Kingdom, and for the seizing, not only of his Majesties Castle of *Dublin*, his Majesties principal Fort here, but also of the other Fortifications in the Kingdom. And seeing by the great goodness and abundant Mercy of Almighty God to his Majesty, and this State and Kingdom, those wicked Conspiracies are brought to Light, and some of the Conspirators committed to the Castle of *Dublin* by us, by his Majesties Authority, so as those wicked and damnable Plots are now disappointed in the chief Parts thereof; We have therefore thought fit hereby, not only to make it publickly known for the Comfort of his Majesties good and loyal Subjects in all Parts of the Kingdom, but also hereby to require them, that they do with all Confidence and Cheerfulness betake themselves to their own Defence, and stand upon their Guard, so to render the more Safety to themselves, and all the Kingdom besides, and that they Advvertise us with all possible speed of all Occurrents, which may concern the Peace and Safety of the Kingdom, and now to shew fully that Faith and Loyalty, which they have always shewn for the publick Services of the Crown and Kingdom, which we will value to his Majesty accordingly, and a special Memoiry thereof will be retained for their Advantage in due time. And we require that great Care be taken, that no Levies of Men be made for Foreign Service, nor any Men suffered to March upon any such Pretence. Given at his Majesties Castle of *Dublin*, *October* 23. 1641.

Lords Justices Proclamation to give notice of the Rebellion, *October* 23. 1641.

R. Dillon, Ro. Digby, Loftus, J. Temple, Tho. Rotheram, Fr. Willoughby,  
Jam. Ware, Rob. Meridith.



An. 1641.

Here by the way it may be noted, that upon the issuing of this Proclamation, the Popish Lords and Gentlemen of the *Pale*, (that is to say, Inhabitants of the old *English* Plantations there, not of *Irish* Extraction, but of the same Religion with them, notwithstanding which, they had in several other Insurrections joined with the *English* Interest, and now professed so to do, as is before mentioned in the Lords Justices Letter) came again to the said Justices with a Petition about this Proclamation, because therein the Conspiracy is said to be intended by *some evil affected Irish Papists*, which words they feared might be misinterpreted, and such a Construction put upon them, as might reflect upon the Petitioners, as therein comprehended; wherefore the Justices, not willing to disoblige them, or give them any Colour for those *Rebellious Courses*, which afterwards they took, did for their Satisfaction set forth this following Proclamation, Explanatory of the former.

By the Lords Justices and Council.

*William Parsons. John Borlace.*

A Proclamation touching the Lords and Gentlemen of the *English Pale*, October 29. 1641.

Whereas a Petition hath been presented unto Us by divers Lords and Gentlemen of the *English Pale*, in behalf of themselves and the rest of the *Pale*, and other the old *English* of this Kingdom, shewing, that whereas a late Conspiracy of Treason is discovered of ill-affected Persons of the old *Irish*, and that thereupon a Proclamation was published by us, wherein, amongst other Things, it is declared, that the said Conspiracy was perpetrated by *Irish Papists*, without Distinction of any; and they doubting that by those general Words of *Irish Papists* they might seem to be involved, though they declare themselves confident, that we did not intend to conclude them therein, in regard they are none of the old *Irish*, nor of their Faction or Confederacy; but are altogether averse and opposite to all their Designs, and all others of like Condition; We do therefore, to give them full Satisfaction, hereby declare and publish to all his Majesties good Subjects in this Kingdom, that by the words *Irish Papists*, we intended only such of the old *Irish* in the Province of *Ulster*, as have plotted, contrived, and been Actors in this Treason, and others who adhere to them; and that we did not any way intend, or mean thereby any of the old *English* of the *Pale*, nor of any other parts of this Kingdom: We being well assured of their Fidelities to the Crown, and having Experience of the good Affections and Services of their Ancestors in former times of Danger and Rebellion: And we further require all his Majesties loving Subjects, whether Protestants or Papists, to forbear upbraiding Matter of Religion one against another, and that upon pain of his Majesties Indignation. Given at his Majesties Castle of *Dublin*, October 29. 1641.

*R. Ranelagh, R. Dillon, Ant. Midenfis, Ad. Loftus, G. Shurley, Gerr. Lowther, J. Temple, Fr. Willoughby, Ja. Ware.*

The House turned into a Committee of the whole House.

These Matters of Fact being by the Lord Lieutenant, and other Lords of his Majesty's Council thus declared to the House of Commons, their Lordships withdrew, and the Commons being unwilling to lose time to help the distressed Kingdom of *Ireland*, resolved themselves into a Committee of the whole House, that the debate of this great Matter might be had with all freedom to provide for the Safety of both Kingdoms; whereupon Mr. Speaker left the Chair, and Mr. *Whitlock*, a Member of the House, and a Person of great Parts and Ability, was called to the Chair, and after Votes past of the Committee, Mr. Speaker reassumed the Chair; and upon Mr. *Whitlock's* Report, the House passed these Resolves following, to be the Heads of a Conference to be desired with the Lords, viz.

Resolves in the House of Commons concerning *Ireland*, Nov. 1. 1641.

Resolved, That 50000 *l.* shall be forthwith provided for the Service of *Ireland*. That a Conference be had with the Lords to move them, that a Select Committee of the Members of both Houses may be appointed to go to the City of *London*, and make a Declaration unto them of the State of the Business in *Ireland*, and



and to acquaint them that the lending of Monies at this time will be an acceptable Service to the Commonwealth, and that they propose unto them, the Loan of 50000 *l.* and assure them, that they shall be secured, both for the *Principal* and *Interest* by Act of Parliament.

*Resolved*, That another Head of this Conference shall be to desire the Lords, that a select Committee of both Houses may be named to consider of the Affairs of *Ireland*, and of the raising and sending of Men and Ammunition from hence into that Kingdom.

*Resolved*, That *Owen Conally*, who discovered this great Treason in *Ireland*, shall have 500 *l.* presently paid him, and 200 *l.* per Annum Pension, until Provision be made for an Inheritance of greater Value.

*Resolved*, That another Head of the Conference shall be, that the Custody of the Isle of *Wight*, for the present, be sequestered into another Hand.

*Resolved*, That the Persons of Papists of Quality in the several Counties of this Kingdom, where ever they reside, may be secured.

*Resolved*, That at the Conference, the Lords be desired to join concerning the Dissolution of the House of *Capuchins*, and the speedy sending them away, according to the former desires of this House, and that the Ambassadors may be sent to from both Houses to deliver up such Priests of the King's Subjects as are in their Houses.

*Resolved*, That another Head shall be, That a List be brought in of the Queen's Priests and other her Servants.

*Resolved*, That a Proclamation be issued forth, Commanding all Strangers that are not of the Protestant Religion, to deliver in Tickets of their Names, and an Account of their stay here, within two Days after the issuing forth of the said Proclamation, or else to depart the Kingdom forthwith, &c.

These Votes were accordingly communicated to the Lords, at a Conference managed by Mr. *Whitlock*; whereupon the Lords did afterwards send a Message to the House of Commons, that they have appointed a Select Committee of twelve Lords to go into the City, desiring that a proportionable Number of the House of Commons may go with them, to move the City for the Loan of 50000 *l.* for the present Occasions of *Ireland*; and thereupon the House of Commons named a Committee accordingly.

The Lords also acquainted the Commons, that they had named a Select Committee of Lords, to be a standing Committee to manage the Affairs of *Ireland*, and desired the House of Commons to name a proportionable Number of their House; thereupon a Committee of fifty-two were named to meet with the Lords, to be a standing Committee for the Affairs of *Ireland*, and that they may have Power to meet as often as they see convenient.

The House of Commons having proceeded thus far in the Affairs of *Ireland*, the first and second Day after discovery made unto them of the Rebellion there, did set a part some Proportion almost of every Day they sate during the whole Month of *November*, for the Consideration of the Affairs of that Kingdom; and so upon the third and fourth of the same Month, resolved upon the Question, these Particulars following, viz.

1. That the House holds fit that 200000 be forthwith supplied for the present Occasions of *Ireland*.

2. That a convenient Number of Ships shall be provided for the guarding of Sea-Coasts of *Ireland*.

3. That this House holds fit that 6000 Foot and 2000 Horse shall be raised with all convenient speed for the present Expedition into *Ireland*.

4. That the Lord Lieutenant shall present to both Houses of Parliament such Officers as he shall think fit to send into *Ireland*, to command any Forces to be transported thither.

5. That the Magazines of Victuals shall be forthwith provided at *West-Chester*, to be sent over to *Dublin*, as the Occasions of that Kingdom shall require.

6. That the Magazines of Arms, Ammunition, Powder, now in *Carlisle*, shall be forthwith sent over to *Knockfergus* in *Ireland*.

7. That it be referred to the King's Council to consider of some fit Way, and to present it to the House, for a Publication to be made of Rewards to be given to such as shall do Service in this Expedition into *Ireland*, and for a Pardon of such of the Rebels in *Ireland* as shall come in by a time limited, and of a Sum of Money to be appointed for a Reward of such as shall bring in the Heads of such Principal Rebels as shall be nominated.

17 Car.

500 *l.* to be presently paid to *O Conally* the Discoverer, and 200 *l.* per Annum Pension. Isle of *Wight* to be secured. Papists of Quality in *England* to be secured.

A Proclamation that Papist Strangers deliver their Names and Business, or else depart the Realm.

A standing Committee of both Houses touching *Ireland*.

*November* 3d and 4th Resolves touching *Ireland*.

8. That



An. 1641.

8. That Letters shall be forthwith sent to the Justices in *Ireland*, to acquaint them, how sensible this House is of the Affairs of *Ireland*.

9. That the Committee of *Irish* Affairs shall consider how, and in what Manner this Kingdom shall make use of the Friendship and Assistance of *Scotland* in the Business of *Ireland*.

10. That Directions shall be given for the drawing of a Bill, for the Pressing of Men, for this Particular of *Ireland*.

Lord Lieutenant impowered to raise Forces for *Ireland*.

Both Houses also passed an *Ordinance* to enable the Lord Lieutenant, presently to raise 3500 Foot, and 600 Horse for this present Service of *Ireland*, and also ordered, that the Master of his Majesty's *Ordinance* should deliver to the Lord Lieutenant of *Ireland* 1000 Arms for Horse, and 8000 Arms for Foot, and ten Lasts of Powder, to be presently sent into *Ireland*; and that the Lord Admiral should suddenly provide Shipping for the Transportation of Men, Arms, Ammunition, and other Provisions.

The Lords and Commons afterwards passed a more Declaratory Order for the Relief of *Ireland*, which followeth in these Words.

A declaratory Order of both Houses of Parliament to serve his Majesty in suppressing the Rebels in *Ireland*.

THE Lords and Commons in this present Parliament being advertised of the dangerous Conspiracy and Rebellion in *Ireland*, by the Treachery and wicked Instigations of *Romish* Priests and *Jesuits*, for the bloody Massacre, and Destruction of all Protestants living there, and other his Majesty's Loyal Subjects of *English* Blood, though of the *Romish* Religion, being ancient Inhabitants within several Counties and Parts of that Realm, who have always in former Rebellions, given Testimony of their Fidelity to this Crown. And for the utter depriving of his Royal Majesty and the Crown of *England* from the Government of that Kingdom, (under pretence of setting up the *Popish* Religion) have thereupon taken into their serious Consideration, how those mischievous Attempts might be most speedily and effectually prevented, wherein the Honour, Safety and Interest of this Kingdom are most nearly and fully concerned: Wherefore they do hereby declare, that they do intend to serve his Majesty with their Lives and Fortunes for the suppressing of this wicked Rebellion, and in such way as shall be thought most effectual, by the Wisdom and Authority of Parliament. And thereupon have Ordered and Provided for a present supply of Money, and raising the Number of 6000 Foot, and 2000 Horse to be sent from *England*, being the full Proportion desired by the Lords Justices, and his Majesty's Council Resident in that Kingdom, with a Resolution to add such further Succours, as the necessity of those Affairs shall require. They have also resolved for providing Arms and Ammunition, not only for those Men, but likewise for his Majesty's faithful Subjects of that Kingdom, with store of *Victuals*, and other Necessaries as there shall be Occasion. And that these Provisions may more conveniently be transported thither, they have appointed three several Ports of this Kingdom; that is to say, *Bristol*, *West-Chester*, and another in *Cumberland*, where *Magazines* and Store-Houses shall be kept for the supply of the several Parts of *Ireland*. They have likewise resolved to be humble Mediators to his most Excellent Majesty for the Encouragement of the *English* or *Irish*, who shall upon their own Charges raise any Number of Horse or Foot, for his Service, against the Rebels, that they shall be honourably Rewarded with *Lands of Inheritance* in *Ireland*, according to their Merit. And for the better inducing of the Rebels to repent of their wicked Attempts, they do hereby commend it to the Lord Lieutenant of *Ireland*, or in his absence to the Deputy, or Lords Justices there, according to the Power of the Commission granted to them in that behalf, to bestow his Majesty's gracious Pardon to all such, as within a convenient time (to be declared by the Lord Lieutenant of *Ireland*, or in his absence, by the Lord Deputy or Lords Justices there, according to the Power of the Commission) shall return to their due Obedience, the greatest part whereof they conceive to have been seduced on false Grounds, by the cunning and subtile Practices of some of the most malignant Rebels, Enemies to the State, and to the Reformed Religion; and likewise to bestow such Rewards as shall be thought fit, and publisht by the said Lord Lieutenant, Lord Deputy or Lords Justices and Council there, upon all those who shall arrest the Persons, or bring in the Heads of such Traitors as shall be personally named in any Proclamation, published by the State there: And they do hereby exhort and require all his Majesty's Loving Subject, both in *this* and in *that*



that Kingdom, to remember their Duty and Conscience to God and his Religion, and the great and imminent Danger which will befall this whole Kingdom in General, and themselves in Particular, if this *abominable Treason* be not timely suppressed; and therefore with all Readiness, Bounty, and Chearfulness to confer their Assistance, in their Persons or Estates, to this so important and necessary Service for the common Good of all.

An. 1641.

Jo. Brown, Cler. Parlement.

The Lords Justices presently upon the Discovery, gave Advertisement thereof to his Majesty then at *Edenburgh*, by a Dispatch addressed to Sir *Henry Vane*, principal Secretary, carried by Sir *Henry Spotswood*, who went by Sea directly for *Scotland*, but before he arrived the King had Intelligence of the Rebellion sent him by the Marquess of *Chichester* from *Belfast*, and upon the first Notice thereof moved the Parliament of that Kingdom to take the same into their Consideration, who having appointed a Committee for that Purpose, they reported as followeth.

The King presses the Scots to assist against the Rebels of Ireland.

*The Report of the Committee in the Parliament of Scotland, 28 October, 1641. The King being present.*

HIS Majesty produced a Letter written to him by the Lord Viscount *Chichester*, anent some Commotions in *Ireland*, which was publicly read in the Audience of the King's Majesty and Parliament: And his Majesty desired that some may be appointed to think upon that Business, so far as may concern his Majesty, and the Kingdom. And that Estates nominated the Lord Chancellor, Lord General, Lord *Lothain*, Lord *Amond*, the Lairds of *Weddenburn*, *Kinhault* and *Murthill*, the Commissioners of *Edinburgh*, *Glasgow*, and *Aire*, to think upon some Course necessary to be done anent the said Letters, and what is incumbent to be done by this Kingdom thereupon, and report again to the Parliament to meet in the General his House this Afternoon at two Hours.

The Parliament of Scotland appoint a Committee to consider of this Rebellion in Ireland.

This Day in the Afternoon, the Committee above-nominated appointed for taking into Consideration, the Report of the Commotions in *Ireland*, being met in the Lord General's House, and having read the Letter directed to the King's Majesty from the Lord *Chichester*, dated at *Belfast* the 24th of *October*, 1641. hath considered, that his Majesty, out of his Wisdom and Royal Care of the Peace of his Kingdoms, hath already acquainted the Parliament of *England* with the Intelligence from *Ireland*, and hath sent to *Ireland* to know the Certainty of the Commotions, and of the Affairs of that Combination, which till it be perfectly known, there can be no particular Course taken for suppressing thereof; and the Kingdom of *Ireland* being dependent upon the Crown and Kingdom of *England*, the *English* may conceive Jealousies, and mistake our Forwardness when they shall hear of our Preparations, without their Knowledge in this, wherein they are first and more properly concerned. And if the Insurrections be of that Importance, as the *British* within *Ireland* are not powerful enough to suppress it without greater Forces; nor their Allies, and that his Majesty and Parliament of *England* shall think our Aid necessary to join with them, we conceive that the Assistance which we can contribute, may be in Readiness as soon as *England*; and if after Resolution taken by his Majesty, with Advice of both Parliaments, it shall be found necessary, that we give our present Assistance, we shall go about it with that Speed, which may witness our dutiful Respects to his Majesties Service, and our Affections to our Brethren, his Majesties Loyal Subjects of *England* and *Ireland*.

October 28. 1641. Their Report.

29 Die Octobris, 1641.

Read in Audience of his Majesty and Estates of Parliament, *ad futuram Rei Memoriam* as ane Testimony of their Affections to his Majesties Service, and the Good of the neighbour Kingdoms, and appoints thrie of the Baronis, and thrie Borrois to meet the Erle of *Eglintowne* at thrie howris Afternoon, to take to their Consideration by way of Estimation or Conjecture, the Numbre of *Bottis* or *Lime Faddis*, which in the partis of this Kingdom, lying opposite to *Ireland*, may



An. 1641.

A private  
Intimation  
to the Lords  
Justices of  
an Irish Plot,  
March 16.  
1640.

may be had in readines, and what numbere of Men may be transported thair-  
in, and to Report again to the Parliament.

The King also sent Expresses from *Scotland* to both Houses of Parliament in  
*England*, referring this Business of *Ireland* to their Care and Management.

It is to be noted, That before this Rebellion broke out, the Lords Justices had  
some hints given them, that there was some Plot in hand by the *Irish*, though  
nothing in Particular was discovered, where, when, or by whom it should be  
acted. The first Letter which they received to that Purpose, was written by  
the command of his Majesty by Sir *Henry Vane*, then Secretary of State, which  
Letters bears Dath the 16th of *March*, 1640. and followeth in these Words.

Sir *Henry Vane's* Letter, by the King's Command, to the Lords Justices  
in *Ireland*, of a Suspicion that the *Irish* are upon some great Design,  
*March* 16. 1640.

Right Honourable,

**H**IS Majesty hath Commanded me to acquaint your Lordships, with an Advice  
given him from Abroad, and confirmed by his Ministers in Spain, and elsewhere,  
which in this distempered Time, and conjuncture of Affairs, deserves to be seriously con-  
sidered, and an especial Care and Watchfulness to be had therein, which is, that of late  
there have passed from Spain, (and the like may well have been from other Parts)  
an unspeakable Number of *Irish* Churchmen, for England and Ireland, and some  
good old Soldiers, under pretext of asking leave to raise Men for the King of Spain,  
whereas it is observed (among the *Irish* Friars there) a whisper runs, as if they  
expected a Rebellion in Ireland, and particularly in Connaght; wherefore his  
Majesty thought fit to give your Lordships this notice, that in your Wisdoms you might  
manage the same with that Dexterity and Secrecy, as to discover and prevent so per-  
nicious a Design, if any such there should be, and to have a watchful Eye on the Pro-  
ceedings and Actions of those who come thither from abroad, on what pretext soever;  
and so herewith I rest,

Your Lordships most Humble Servant,

Whitehall, March 16. 1640.

HENRY VANE.

A Letter from Sir *William Cole*, intimating some Design by the  
*Irish*, October 11.

**T**HE next dark Advertisement, which the Lords Justices received, was by a Let-  
ter from Sir *William Cole*, dated the 11th of October, 1641. who gave the  
Lords Justices and Council notice, that there was a great Resort to Sir *Philime O-Neal*,  
in the County of *Tyrone*, as also to the House of the Lord *Macguire* in the County  
of *Fermanagh*, and that by several suspected Persons, fit Instruments for Mischief;  
as also that the said Lord *Macguire* had of late made several Journeys into the Pale,  
and other Places, and had spent his time much in writing Letters, and sending Dis-  
patches abroad; all which seemed to the Lords Justices but Conjectural, as to the Se-  
crecy of the Plot, which could not by this be discovered; so that from this general Dis-  
covery, nothing could be had but a circumspect Eye upon the *Irish*, to make a further  
Discovery of their particular Design.

Commissions granted to the Lord Viscount *Clandebois* and to  
the Lord *Ardis*, and others, October 27.

**A**Bout the 27th of October the Lords Justices and Council sent Com-  
missions to the Lords Viscounts of *Clandebois*, and of *Ardes*,  
to raise the *Scots* in the Northern Parts; they also writ to Sir *William*  
and Sir *Robert Stewart*, with other Gentlemen of Quality in the North,  
giving them Power to prosecute the Rebels with Fire and Sword; yet  
so,



so, as to receive such as should submit to his Majesty's Grace and Mercy, signifying withal, that although by the said Commission they gave them full Power thereunto, yet they did then let them know, that for those who were Chief among the Rebels, and Ring-leaders of the rest to Disobedience, that they adjudged them less worthy of Favour than the others whom they had misguided: And therefore for those principal Persons, they required them to take care not to be too forward (without first consulting the Council-Board) in proffering or promising Mercy to those, unless they the said Commissioners saw it of great and unavoidable Necessity. They likewise writ to the Lords Presidents of *Munster* and *Conaught*, advising them to be upon their Guards. And that several of the Catholick Communion might not say but they also were confided in, the Lords Justices (who were willing to continue all Proofs imaginable of their Confidence in them) gave in *November* several Commissions of Government to the Lord *Gormanstown* in *Meath*, the Lord *Mount Garret* in *Kilkenny*, *Nicholas Barnwell* in *Dublin*, *Walter Bagnell* in *Caterlaugh*, the Lord *Lowth* in *Lowth*, *Sir Thomas Nugent* in *Westmeath*, *Sir Robert Talbot* in *Wicklow*, the two *Sir James Dillions* in *Longford*, and several others, as well in *Munster* as *Conaught* and *Ulster*, who contrary to the Trust reposed in them, soon after joined with the Rebels, and proved as violent, if not worse, against the Protestants, as those who first appeared in the Rebellion; and because the Times required something extraordinary, beyond the Course of Common Law, the Lords Justices and Council gave several Commissions of *Martial Law*, to the prime Gentlemen of the *Pale* (all *Roman Catholicks*) as to *Henry Talbot* in the County of *Dublin*, *John Bellow Esquire*, in the County of *Lowth*, *Richard Dalton*, and *James Tuit Esquire* in the County of *Westmeath*, *Valerian Wesley* in the County of *Meath*, *James Talbot* in the County of *Cavan*.

An. 1641.

## By the Lords Justices and Council.

William Parsons. John Borlase.

**R**ight Trusty and Well-beloved, We greet you well; Whereas divers most disloyal and malignant Persons within this Kingdom, have traiterously conspired against his Majesty, his Peace, Crown and Dignity, and many of them in execution of their Conspiracy, are traiterously assembled together in a warlike manner, and have most inhumanly made Destruction and Devastation of the Persons and Estates of his Majesty's Good and Loyal Subjects of this Kingdom, and taken, slain, and imprisoned great Numbers of them; We, out of our Care and Zeal for the common Good, being desirous by all means to suppress the said Treasons and Traitors, and to conserve the Persons and Fortunes of his Majesty's loving Subjects here in Safety, and to prevent the further Spoil and Devastation of his Majesty's good People here, do therefore hereby require and authorize you to Levy, Raise, and Assemble all, every or any of the Forces, as well Footmen as Horsemen within the County of *Meath*, giving you hereby the Command in Chief of all the said Forces, and hereby further requiring and authorizing you, as Commander of them in Chief, to Arm, Array, Divide, Dispose, Distribute, Conduct, Lead, and Govern in Chief the said Forces, according to your Discretion, and with the said Forces to resist, pursue, follow, apprehend and put to Death, kill and slay, as well by Battle as other ways, all and singular the said Conspirators, Traitors, and their Adherents, according to your Discretion, and according to your Conscience to proceed against them, or any of them, or by *Martial Law*, by hanging them or any of them till they be dead, according as it hath been accustomed in open

The Lords Justices Commission to the Lord Gormanstown.



An. 1641.

Rebellion, and also to take waste, and spoil their or any of their Castles, Holds, Forts, Houses, Goods and Territories, or otherwise, to preserve the Lives of them or any of them, and to receive them into his Majesty's Favour and Mercy, and to forbear the Devastation of their or any of their Castles, Holds, Forts, Houses, Goods, and Territories aforementioned, according to your Discretion: Further hereby requiring and authorizing you to do, execute and perform all and singular such other things for examination of Persons suspected, Discovery of Traytors and their Adherents, parlying with and granting Protections to them or any of them, taking up of Carts, Carriages, and other Conveniences sending and retaining Espials, Victualling the said Forces, and other things whatsoever conducing to the purpose aforementioned, as you in your Discretion shall think fit, and the necessity of the Service require, farther hereby requiring and authorizing you, as Commander in Chief, to constitute and appoint such Officers and Ministers respectively for the better Performance and Execution of all and singular the Premises as you in your Discretion shall think fit; and do hereby require and command all and singular his Majesty's Sheriffs, Officers, and Ministers, and loving Subjects, of and within the County of Meath and the Borders thereof, upon their Faith and Allegiance to his Majesty and to his Crown, to be Aiding, Helping and Assisting to you in the doing and executing of all and singular the Premises. This our Commission to continue during Our Pleasure only, and for the so doing this shall be your sufficient Warrant. Given at his Majesty's Court of Dublin, November 1641.

To our very good Lord,  
Nicholas Gormanstown  
Vic. Com.

R. Dillon. J. Temple.  
Ja. Ware. Robert Merideth.

The Lords Justices made their second Dispatch to his Majesty then at Edinburgh, and to both Houses of Parliament in England, Nov. 6th.

**U**PON the 5th of November the Lords Justices in Ireland made their second Dispatch unto his Majesty still at Edinburgh, in Scotland; and at the same time they sent several Letters into England, to the Lord Keeper, Speaker of the House of Peers, to the Speaker of the House of Commons, to the Lords of his Majesty's most honourable Privy Council, and to the Lord Lieutenant of Ireland, in all which they did most earnestly declare their present Dangers, together with the necessity of sending sudden Relief. In their Letter to the Lords of the Council, they did more particularly set down the miserable Estate of the whole Kingdom, and the large Progress that the Rebellion had in few Days made since it broke out; they represented unto their Lordships; the great Outrages the Rebels had committed upon the British Inhabitants in Ulster, that they had seized upon all their Estates and Houses in five Counties of that Province, possessed their Arms, detained many of the principal Gentlemen Prisoners, that they had already slain many most barbarously, hewed some to Pieces, that they have exposed thousands to Want and Beggary, who had good Estates and lived plentifully; that the Rebellion began then to diffuse it self into the Counties of Longford and Letrim, and to threaten the English Plantations in the King and Queens County, that the Inhabitants of the Counties of Meath and Lowth began to fall upon the English near about them, that they conceived there could be no less then thirty thousand, who had already openly declared themselves in this Rebellion, and were assembled together in several great Parties, that they understood their Design was, having got Dundalke, to take in Tredagh, and so to come up immediately to besiege the City and Castle of Dublin; that they gave out publicly, their Purpose was to extirpate the English and Protestants, and not to lay down Arms until the Romish Religion were established, the Government settled in the Hands of the Natives, and the old Irish restored to the Lands of their supposed Ancestors; that they held it their Duty to acquaint their Lordships with the lamentable Estate wherein the Kingdom stood, that his Majesty and the Parliament might understand it, and so speedily provide for

Thirty thousand in Rebellion in about ten Days time.



for sending over to their Relief ten thousand Foot, and one thousand Horse, together with some able Commanders, 100000 *l.* in Money, and further Provisions of Arms, that unless these were presently sent to them (they craved leave to repeat it again and again) the Kingdom would be *utterly lost*, all the *English* and *Protestants* in *Ireland* destroyed, the Peace of the Kingdom of *England* disturbed by the *Irish* from thence, and so *England* enforced to make a new Conquest of it.

This second Dispatch from the Lords Justices laying open the Increase of the Rebellion, had such Impression upon the Affections of the House of Commons to relieve that distressed Kingdom, as that they voted to raise 200000 *l.* for suppressing the *Irish* Rebellion, and for the securing of the Kingdom of *England*, and for as much as Money could not suddenly be raised, they passed this following Ordinance, for securing the City of *London* to advance the fifty thousand Pound formerly voted, *viz.*

**T**HE Lords and Commons in this present Parliament assembled, having a due regard to the good Affections of the City of *London* expressed upon sundry Occasions, by the advancing and lending of great Sums of Money for the Service of the Commonwealth, and particularly the Sum of 50000 *l.* lent for the *Irish* Affairs, and the Sum of 50000 *l.* more lent by the said City unto the Peers attending his Majesty in the Northern Parts before the beginning of this present Parliament, which are not yet paid or otherways secured, do declare and order, that the said several Sums of Money shall be fully satisfied and repaid unto the said City of *London* with Interest of 8 *l.* per Cent for one Year, out of such Monies as are or shall be raised by Authority of Parliament: And for that purpose an Act of Parliament to be passed with all Expedition. Provided always that this present Ordinance shall not in any ways be prejudicial to any Members of the said House of Commons, who have formerly lent any Sums of Money to this Parliament, nor to the Northern Counties, nor to any Persons whosoever, to whom both Houses of Parliament, or the said House of Commons have formerly ordered the Payment of any Sums of Money, nor to any Security given to them, before the making of this Ordinance.

Whilst the Parliament of *England* was endeavouring for the Relief of *Ireland*, the Lords Justices and Counsel there, were not wanting to secure the Castle of *Dublin*, and to help the distressed Protestants that were at the Mercy of the Rebels.

As for the Castle of *Dublin*, Sir Francis Willoughby was made Governour, and had a Company of an hundred Men well armed, besides ordinary Watchers.

Also the Lords Justices took care for Victualling of the Castle which was particularly recommended to Sir John Temple the Master of the Rolls, who sent for the Merchants that were Protestants, and represented to them the great Necessity of the State, the great Danger of *Dublin*, the publick Benefit, and thereby private Security in laying into the Castle such of the Provisions as they had lying by them in unsafe Places of the City, these Impressions prevailed upon them so that they were content to bring in great quantities of Beef, Herrings, and Corn, upon the Master of the Rolls undertaking to see them satisfied in case use were made of them.

So that there was presently laid in by the *English* and *Dutch* Merchants within the Verge of the Castle about two thousand Barrels of Beef, two thousand Barrels of Herrings, and a good proportion of *Wheat* sufficient to victual the Castle for many Months which the Rebels gave out they would suddenly besiege.

On the 6th of *November* the Rebels of *Cavan* proffered a Paper to the Lords Justices to be recommended by them to his Majesty, which Doctor Jones and Mr. Waldron delivered to their Lordships; the Doctor being obliged in that Service, he, his Wif and Children dwelling among the Rebels, and lying at their Mercy; to which their Lordships gave Answer, with all the Moderation and Satisfaction that could stand with their Duty, to invite the *Irish* to forbear their Proceedings, and submit to his Majesty: But the Inhabitants of *Cavan* during the presenting this Paper, summoned all Persons from sixteen to sixty to appear at *Virginia*, a Place in the way to *Dublin*; notwithstanding that they had impowered Doctor Jones to assure their Lordships, that there should be a Cessation of all Things, until the Return of their Lordships Answer; and afterwards it so fell out that none were more treacherous and fierce than they in that

17 Car.

Commons  
Vote two  
hundred  
thousand  
Pounds to be  
raised for  
*Ireland*.

Order to se-  
cure fifty  
thousand  
Pounds to be  
lent by the  
City of *Lon-  
don*.

Securing the  
Castle of  
*Dublin*.

The Rebels  
of *Cavan*  
send a Paper  
by Dr. Jones,  
Nov. 6.

None more  
treacherous  
and cruel  
than the Re-  
bels of *Ca-  
van*.



An. 1641.

Two Castles  
well defended  
by Sir  
Francis Ham-  
ilton, and  
and Sir  
James Craigo.

The Parlia-  
ment in Ire-  
land meets  
the 17th of  
November.

A smart  
Speech in  
the Parlia-  
ment of Ire-  
land against  
the Rebels,  
Nov. the  
17th.

County of *Cavan*, for by the 11th of *December* it was wholly reduced into the Hands of the Rebels; except two Castles, the one belonging to Sir *Francis Hamilton* Baronet, the other to Sir *James Craigo* Knight, who nobly defended each Castle, and succoured one another, that they found the Rebels work for a whole Year, and Sir *Ja. Craigo*, a Gentleman of great Abilities falling sick, and store of Ammunition and Provision failing, and the Rebels having tainted their Wells with dead Carcasses, both Castles were delivered up to *Phillip Machugh O Relie* upon honourable Terms, who being conveyed towards *Tredagh*, were received eight Miles from that Town by Sir *H. Tichburn*. For the Lords Justices having Intelligence from Doctor *Jones*, that during his Imprisonment amongst the Rebels at *Cavan*, he understood they intended to besiege *Tredagh*, appointed the said Sir *Henry* to be Colonel and Governour of that Town, and assisted him with what Forces they could.

The Parliament of *Ireland* was to meet according to a former Adjournment the 17th of *November*. But in the interim this Rebellion being broke out, the Lords Justices and Counsel (as you had it express'd before in their Letter) thought it necessary to prorogue it until the 24th of *February*, and set forth a Proclamation to that Purpose; but a few Days before the said 17th of *November*, there was a great murmuring against this putting off the Parliament amongst the popish Lords and Gentlemen that were Members. And Mr. *Burk* (who was one of the Committee lately imployed into *England*) came to the Lord *Dillon* of *Kilkenny West*, and highly complained of the Injury, which (he said) was thereby done to the whole Nation, hindring them from expressing their Loyal Affections to his Majesty, and shewing their Desires to quell this dangerous Rebellion; and that they had reason to resent it so high, as to complain thereof to the King. Hereupon to satisfy them, it was after some debate consented unto by the Lords Justices in Council, that they should sit a Day or two, provided they do immediately fall upon the Work of making a clear Protestation against the Rebels, and that the time of the Prorogation should be shortned.

Accordingly, *November* the 17th, the Houses met, but very thin, and then it appeared that the Zeal of these Gentlemen that so much desired a sitting, was nothing so fervent against the Rebels, for when they came to treat of this Insurrection in order to the drawing up such a Protestation, they covered it with such a Veil, and treated of it so nicely, and with that tenderness as gave reason to suspect they were themselves tainted with the same Infection, insisting that they might not be called Traitors, nor Rebels, for (they said) such Terms would too much exasperate them, and the Appellation of discontented Gentlemen was the worst that would be wrung from them, until one Gentleman heartily detesting the Figleaves thrown over this Nakedness, told the Speaker, *That though he had not arrived at that Consistency of Years; as that his words might challenge there an Audience, because Days should speak, and multitudes of Years teach Wisdom; yet he could not but observe many Passages in that Assembly, too like Catilines in the Senate, and therefore moved that it might not be told in that House, or published at Askelon, that so general a Revolt (accompanied with such horrid and barbarous Circumstances,) should be took notice of with a more favourable Expression than Treason and Rebellion, he added further, That he did not know, but that that was the Season, wherein they were cast on their Tryal, whether Allegiance or Rebellion, God or the Pope were to be owned, and that as to any thing that might soften the Rebels, he conceived they were hardened with so much Villany, that they esteemed all things justifiable that were attainable. Iram atque Animos a Crimine Sumunt, and therefore it was fit that that House should act as sensible of the Rebels Cruelties, and trust God to vindicate his and his Peoples Cause: Upon which, and other Arguments, a Medium was found out not to call them Traitors, but yet to say they had traiterously and rebelliously raised, &c. And so the next Day their Protestation was framed and concluded, as followeth.*

The



17 Car.

The Protestation and Declaration of the Lords Spiritual and Temporal, and Commons in Parliament, assembled at *Dublin in Ireland* the 18th Day of November 1641.

**W**Hereas the happy and peaceable Estate of this Realm hath been of late, and is still interrupted by sundry Persons ill affected to the Peace and Tranquillity thereof, who contrary to their Duty and Loyalty to his Majesty, and against the Laws of God, and the Fundamental Laws of this Realm, have Traiterously and Rebelliously raised Arms, seized upon his Majesty's Forts and Castles, and dispossessed many of his faithful Subjects of their Houses, Lands and Goods, and have slain many of them, and committed other cruel and inhumane Outrages and Acts of Hostility within this Realm.

The said Lords and Commons in Parliament assembled, being justly moved with a right Sense of the said Disloyal and Rebellious Proceedings and Actions of the said Persons aforesaid, do hereby Protest and Declare, That the said Lords and Commons from their Hearts, do Detest and Abhor the said abominable Actions, and that they shall, and will to their utmost Power, maintain the Rights of his Majesty's Crown, and Government of this Realm, and the Peace and Safety thereof, as well against the Persons aforesaid, their Abettors, Adherents, as also against all foreign Princes, Potentates, and other Persons and Attempts whatsoever; And in case the Persons aforesaid do not repent of their aforesaid Actions, and lay down their Arms, and become humble Suitors to his Majesty for Grace and Mercy, in such convenient Time, and in such Manner and Form, as by his Majesty, or his chief Governor or Governors, and the Council of this Realm shall be set down, the said Lords and Commons do further protest and declare, that they will take up Arms, and will with their Lives and Fortunes suppress them and their Attempts, in such a way as by the Authority of the Parliament of this Kingdom, with the Approbation of his Excellent Majesty, or of his Majesty's chief Governor or Governors of this Kingdom shall be thought most effectual.

Copia vera exam' per Phil.  
Percivall, Cler. Parliament.

The Parliament sate but two Days, and the Prorogation was shortned to the eleventh of January; the Lords made choice of the Lord Viscount Costello to go into *England*, to carry over their Desires to his Majesty concerning the Means they thought fit to be used for the quenching this present Flame: And accordingly within few Days after the Adjournment of the Parliament, the Lord Dillon of Costello, accompanied with the Lord Taff, imbarqued for *England*, but by a Storm were driven into *Scotland*, where they landed and proceeded towards *London*: But at *Ware* their Papers were seized upon, by Directions from the Parliament of *England*, and their Persons committed; but afterwards they made shift to escape, and waited upon his Majesty.

There came Letters from *Ireland*, Dated the 27th of November, wherein the Lords Justices and Council gave great Thanks to the Parliament, for their Care in the speedy sending over Provisions and Money, praying still a greater Supply; intimating that the Rebellion in *Ireland* is so General, that whole Counties have joined themselves to the Rebels, and that they are come within four Miles of *Dublin*, driving away their Cattle, and stopping Provisions from coming to the City. That they acknowledge the King to be their lawful Sovereign,

Protestation  
by the Par-  
liament in  
*Ireland* a-  
gainst the  
*Irish* Insur-  
rection,  
Nov. 18.

Lords Justi-  
ces do ac-  
knowledge  
the Parlia-  
ment's care in  
the speedy  
sending Pro-  
visions to  
*Dublin*,  
and Nov. 27.



An. 1641.

and have writ a Letter to the Lord Dillon, with Instructions to go for England, and to acquaint his Majesty with their Grievances, and desire of Tolleration for their Religion. Which Letter was as followeth.

A Copy of a Letter directed to the Lord Dillon, Viscount Costilough, from the Rebels of the County of Longford in Ireland, which he presented to the State in their behalf November 10. 1641.

Our very good Lord,

The Popish  
Irish in the  
County of  
Longford,  
their high  
Demands of  
the Lords  
Justices.

**O**UR Alliance with your Lordship's Ancestors, and your Self, and the trial of your and their Performance of Trust unto their Friends in their greatest Adversity, encourageth us, and engageth your Honour to our Fruition of your future Favours; The fixing of our Confidence in you, before any other of the Peers and Privy Councillors of the Kingdom, doubleth this Obligation, your Lordship may therefore be pleased to acquaint the Lords Justices and Council (to be imparted unto his Sacred Majesty) with our Grievances, and the Causes thereof; the reading of which we most humbly pray, and the manner of it.

First, The Papists in the Neighbouring Counties are severely punished, and their Miseries might serve as Beacons unto us to look unto our own, when our Neighbours Houses are on fire; and we, and other Papists are, and will be as loyal Subjects as any in the King's Dominions; for Manifestation whereof, we send herein inclosed an Oath solemnly taken by us, which as it made indelible Impression in our Hearts, shall be Signed with our Hand, and Sealed with our Blood.

Secondly, There is an Incapacity in the Papists of Honour, they not having the Immunities of true Subjects, the Royal Marks of distributive Justice, and a Disfavour in the Commutative, which raised Strangers and Foreigners, whose Valour and Vertue was Invincible, when the old Families of the English, and the major part of us the meer Irish, did swim in Blood to serve the Crown of England, when Offices should call Men of Worth, Men without Worth or Merit obtain them.

Thirdly, The Statute of the 2d Elizabeth of force in this Kingdom against us, and they of our Religion, doth not a little disanimate us, and the rest.

Fourthly, The Avoidance of Grants of our Lands and Liberties by Quirks and Quiddities of the Law, without reflecting upon the King's Royal and Real Intention for confirming our Estates, his Broad Seal being the Pawn betwixt his Majesty and his People.

Fifthly, The Restraint of Purchase in the meer Irish of Lands in the escheated Counties, and the Taint and Blemish of them and their Posterities, doth more discontent them, than that Plantation Rule; for they are brought to that exigency of Poverty in these latter times, that they must be Sellers, and not Buyers of Lands: And we conceive, and humbly offer to your Lordship's Consideration (principiis obsta) that in the beginning of this Commotion, your Lordship, as it is Hereditary for you, will be a Physician to cure this Disease in us, and by our Examples, it will doubtless beget the like auspicious Success in all other parts of the Kingdom: For we are of Opinion it is one Sickness, and one Pharmaca will suffice, Sublata Causa tollitur Effectus. And it will be recorded, that you will do Service unto God, King and Country; and for salving every the aforesaid Sores, your Lordship is to be an humble Suitor in our behalf, and of the rest of the Papists, that out of the abundance of his Majesty's Clemency, there may be an Act of Oblivion, and general Pardon without Restitution or Account of Goods taken in the time of this Commotion, a Liberty of our Religion, a Repeal of all Statutes formerly made to the contrary, and not by Proclamation, but in a Parliamentary way: A Charter, Free Denizen in ample manner for meer Irish: All which in succeeding Ages will prove an Union in all his Majesty's Dominions instead of Division, a Comfort in Desolation, and a Happiness in Perpetuity for an imminent Calamity; and this being granted, there will be all things, quæ sunt Cæsaris, Cæsari, and quæ sunt Dei, Deo. And what was by the Poet written (though it be prophane in other Matters, yet in this) prophetically Divisum Imperium



um cum Jove, Cæsar habebit; All which for this present we leave to your Honourable Care, and we will, as we ever did, and do remain,

17 Caroli.

Your very humble and assured Servants  
ever to be Commanded,

*Hugh Mac Gillernow Farrall.*

*James Farrall.*

*Bryan Farrall.*

*Readagh Farrall.*

*Edmond Mac Caell Farrell.*

*John Farrell in Carbury.*

*Garret Farrall.*

*Lisagh Mac Conel Farrall.*

*Bryan Mac William Farrall.*

*John Mac Edmond Farrall.*

*John Farrall.*

*Roger Mac Bryne Farrall.*

*Barnaby Farrall.*

*James Mac Trig Farrell, his Mark.*

*Morgan Mac Carbry Farrall.*

*Donnagh Mac Carbry Farrall.*

*Richard Mac Conel Farrall.*

*William Mac James Farrall.*

*James Farrall.*

*Taghna Mac Rory Farrall.*

*Cormack Mac Rory Farrall.*

*Cormack Mac Bryne Farrall.*

*Readagh Mac Lisagh Farrall.*

*Conner Oge Mac Conner Farrall.*

*Edmond Mac Conner Farrell.*

*Cabel Mac Bryne Farrall.*

The Chiefs of the Northern Rebels, that first appeared in the Execution of this Plot within the Province of Ulster, were, Sir Phelim O Neal, Turlough O Neal his Brother, Roury Mac Guire, Brother to the Lord Mac Guire, Philip O Rely, Mulmore O Rely, Sir Conne Mac Gennis, Colonel Mac Bryan, Mac Mahon; these having closely combined together, with several other of their Accomplices, the Chief of the several Septs in the several Counties, divided their Forces into several Parties; and according to a General Affignation made among themselves, at one and the same Time surprized by Treachery the Town and Castle of the Newry, the Fort of Dongannon, Fort Montjoy, Carlemont, Tonrages, Carick Mack-Ross, Clough-Cutter, Castle Claney, Castle of Monaghan, being all of them Places of considerable Strength, and in several of them Companies of Foot, or Troops of Horse belonging to the Standing Army; besides these they took a Multitude of other Castles, Houses of Strength, Towns and Villages, all abundantly peopled with British Inhabitants, who had exceedingly enriched the Country as well as themselves by their painful Labours.

The Names  
of the chief  
Rebels.

Several Forts  
and other places  
suddenly surprized  
by the Rebels.

#### The Oath of the Confederate Roman Catholicks of Ireland.

I A. B. do in the Presence of Almighty God, and all the Angels and Saints in Heaven, Promise, Vow, Swear and Protest, to maintain and defend, as far as I may, with my Life, Power and Estate, the publick and free Exercise of the True and Catholick Roman Religion, against all Persons that shall oppose the same; I further Swear, That I will bear Faith and Allegiance to our Sovereign Lord King Charles, his Heirs and Successors, and that I will defend Him and Them, as far as I may, with my Life, Power and Estate, against all such Persons as shall attempt any thing against their Royal Persons, Honours and Estates or Dignities; and against all such as shall directly or indirectly endeavour to suppress their Royal Prerogatives, or do any Act, or Acts contrary to Regal Government, as also the Power and Privileges of Parliament, the lawful Rights and Privileges of the Subjects; and every Person that makes this Vow, Oath, and Protestation,

The Oath of  
the Irish Re-  
bels.



17 Car.

Protestation, in whatsoever he shall do in the lawful Pursuance of the same, and to my Power, as far as I may, I will oppose, and by all Ways and Means endeavour to bring to condign Punishment, even to the loss of Life, Liberty and Estate, all such as shall, either by Force, Bribe, Counsel, Plots, Conspiracies, or otherwise, do, or attempt any thing to the contrary of any Article, Clause, or any other thing in this present Vow, Oath, and Protestation contained. So help me God.

The *Irish* falsifie their Oaths and Protestations to the *English*, and after Quarter given them in several Places, murder and destroy them.

Several Policies used by the *Irish* to prevent the *English* from rising against them, and the *Scots* from joining in their Defence.

The *English* stand upon the Defence of their private Houses, without joining together in one Body, whereby they gave great Advantage.

As for the Proceedings of the Rebels, besides their open Cruelties, they used Stratagems to facilitate their Purposes: For such of the *English* as stood upon their Guard, and had gathered together, though but in small Numbers, the *Irish* had recourse to their ancient Stratagem, which as they have formerly, so they still continued to make frequent use of in this present Rebellion, and that was fairly to offer unto them good Conditions of Quarter, to assure them their Lives, their Goods and free Passage, with a safe Conduct into what Place soever they pleased, and to confirm these Covenants sometimes under their Hands and Seals, sometimes with deep Oaths and Protestations, and as soon as they had them in their Power, to hold themselves disobliged from their Promises, and leave their Soldiers at liberty to despoil, strip, and murder them at their Pleasure.

And besides these, other Policies they used; some to distract and discourage them, others to disable them to stand out to make any Defence, as in several Places the *Irish* came under divers Pretences, and borrowed such Weapons and Arms as the *English* had in their Houses, and no sooner got them into their Hands, but they turned them out of their own Doors, as they did at *Glaslough*, in the County of *Monaghan*; and by the same means they very gently and fairly got into their Possession all the *English* Arms in the County of *Cavan*: The High Sheriff there being an *Irishman* and a *Papist*, pretending that he took their Arms to secure them only against the Violence of such of the *Irish* as he understood to be in Arms in the next County: And that they might the more easily effect the Destruction of the *English*, and keep off the *Scots* from giving them any Assistance, they openly professed to spare them (as really they did at the first, all of the *Scottish* Nation) and pretended they would suffer them, as likewise all *English* *Papists*, to live quietly among them, hoping thereby to perswade all of that Nation from taking up Arms, till they had mastered all the *English*, and that then they should be well enough enabled to deal with them; thus were the poor *English* prepared for the Slaughter, and so exceedingly distracted with the tumultuous rising of the *Irish* on all sides about them, as they could never put themselves into a Posture of Defence. And although in many Places they made small Parties and betook themselves into several Churches and Castles, some of which were most gallantly defended by them, yet did they not draw together in any such considerable Body, as would enable them to make good their Party in the Field against the numerous Forces of the Rebels. The truth is, they did not very readily endeavour and dexterously attempt it in any part of that Province, as I could hear of; every Man betaking himself the best he could to the care of his own House, and seeking how to save his own Family, his Goods within and his Cattle without, and so while they kept singly apart, and singly stood up for their own private Preservation, not joining their Forces together for the common Safety, they gave the Rebels a fair Opportunity and a singular Advantage, to work out with great Facility their common Destruction. Whereas if they had deserted their Houses upon the first notice of the rising up of the *Irish*, and in the several Counties put themselves into several Bodies, under the Commands of the chief *English* Gentlemen round about them, they had undoubtedly (how ill soever they were provided of Arms and Munition) been able to have encountred the *Irish*, and to have put them to some stand in their Enterprize; whereas by the Course they took, they most readily, without almost any Resistance, exposed themselves to the merciless Cruelty of the *Irish*, who at the very first (for some few Days after their breaking out) did not in most Places murder any of them, but the Course they took, was to seize upon all their Goods and Cattle, to strip them, their Wives and Children naked, and in that miserable Plight, the Weather being most bitter Cold and Frosty, to turn them out of their Houses, to drive them to the Mountains, to wander through the Woods and Bogs.



The very *Irish* Children, in the very beginning, fell to strip and kill *English* Children: All other Relations were quite cancelled and laid aside, and it was now esteemed a most meritorious Work in any of them that could by any Means or Ways whatsoever, bring an *English* Man to the Slaughter; a Work not very difficult to be compassed, as Things then stood. For they living promiscuously among the *British*, in all Parts, having from their Priests received the *Watchword*, both for Time and Place, rose up, as it were actuated by one and the same Spirit, in all Places of these Counties before-mentioned, at one and the same *Point of Time*, and so in a moment fell upon them, murdering some, stripping only, or expelling others out of their Habitations. This bred such a general Terror and Astonishment among the *English*, as they knew not what to think, much less what to do, or which way to turn themselves; their Servants were killed as they were Ploughing in the Fields: Husbands cut to Pieces in the Presence of their Wives; their Childrens Brains dashed out before their Faces; others had all their Goods and Cattle seized and carried away, their Houses burnt, their Habitations laid waste, and all as it were at an Instant, before they could suspect the *Irish* for their Enemies, or any ways imagine that they had it in their Hearts, or in their Power, to offer so great Violence, or do such Mischief.

But to return now to the *Northern* Rebels, who so closely pursued on their first Plot, as they were beginning to put it in Execution in most of the chief Places of Strength; thereupon, the 23d of *October*, the Day appointed for the Surprizal of the Castle of *Dublin*, and had by the latter end of the same Month gotten into their Possession all the Towns, Forts, Castles, and Gentlemens Houses, within the Counties of *Tyrone*, *Donegall*, *Fermagh*, *Armagh*, *Cavan*, *London-Derry*, *Monaghan*, and half the County of *Down*, excepted the Cities of *London-Derry* and *Coleraine*, the Town and Castle of *Eniskillin*, and some other Places and Castles, which were for the present gallantly defended by the *British* Undertakers; though afterwards, for want of Relief, surrendered into their Hands.

The Pretensions made use of by the *Irish*, as the Grounds and Occasions of this their *Rebellion*, will best appear by their *Remonstrances*, delivered by the Lord Viscount *Gormondstown*, Sir *Lucas Dillon*, Knight, Sir *Rob. Talbot*, Baronet, and *John Walsh*, Esquire, to the Earl of *St. Albane* and *Clanrickard*, the Earl of *Roscommon*, and other his Majesty's Commissioners at *Trim*, the 17th of *March* 1642, to be presented to his Majesty, and printed at *Waterford*, by *Tho. Burk*, Printer to the *Confederate Catholics* of *Ireland*, about nine Months after; whereby it then coming to the Knowledge of the Protestants, they drew up an *Answer* as large thereunto; which was afterwards likewise presented to his Majesty, and printed together with the said *Irish* Remonstrance. The whole is well worth Reading, but being very long, I shall here insert the Substance of the most material Points insisted upon and alledged on either Side; because, tho' presented so long afterwards, yet the greatest Part thereof relates to the Beginning and first Proceedings of this Rebellion.

### The Title and Preface of the Rebels Remonstrance.

A Remonstrance of Grievances presented to his Most Excellent Majesty, in the behalf of the Catholics in *Ireland*: *March* 17. 1642.

To the King's Most Excellent Majesty.

Most Gracious Sovereign,

WE Your Majesty's most Dutiful and Loyal Subjects the Catholics of your Highness Kingdom of *Ireland*, being necessitated to take Arms

VOL. IV.

H h h

for

17 Car.

The intermixture of the *English* among the *Irish* a main Cause of their sudden Destruction.

The greater Part of *Ulster* possessed by the *Northern* Rebels.

The Pretensions of the *Irish* for their Rebellion.

A Breviate of the Rebels Remonstrance, and the Protestants Answer thereunto.

Preface to the Rebels Remonstrance.



An. 1641.

for the Preservation of our Religion, the Maintenance of your Majesty's Rights and Prerogatives; the natural and just Defence of our Lives and Estates, and the Liberties of our Country; Have often since the beginning of these Troubles attempted to present our humble Complaints unto your Royal View, but were frustrated of our Hopes therein, by the Power and Vigilancy of our Adversaries, (the now Lords-Justices, and other Ministers of State in this Kingdom:) Who by the Assistance of the Malignant Party in England, now in Arms against your Royal Person (with less Difficulty to attain the bad Ends they proposed to themselves, of Extirpating our Religion and Nation) hitherto debarr'd us of any Access to your Majesty's Justice; which occasioned the Effusion of much Innocent Blood, and other Mischiefs in this your Kingdom, that otherwise might well been prevented: And whereas of late, Notice was sent unto us of a Commission, granted by your Majesty, to the Right Honourable the Lord Marquess of Ormond, and others; Authorising them to hear what we shall say or propound; and the same to transmit unto your Majesty in Writing, which your Majesty's Gracious and Princely Favour, we find to be accompanied with these Words, viz. [Albeit we do extreamly detest the Odious Rebellion, which the Recusants of Ireland have without Ground or Colour raised against Us, our Crown and Dignity.] Which Words we do in all Humility conceive to have proceeded from the Misrepresentations of our Adversaries: And therefore do protest, we have been therein maliciously Traduced to your Majesty, having never entertained any Rebellious Thought against your Majesty, your Crown or Dignity; but always have been, and ever will continue your Majesty's most Faithful and Loyal Subjects; and do most humbly beseech your Majesty so to own and avow us, and as such we present unto your Majesty these ensuing Grievances, and Causes of the present Distempers.

### The Protestants Answer begins thus:

To the King's Most Excellent Majesty,

The Preface  
to the Prote-  
stants An-  
swer.

**Y**OUR Majesty's most Loyal and Obedient Protestant Subjects of Ireland, groaning under the heavy Pressures of the confederate Roman Catholicks of Ireland; who to add to all their other Injuries, have Printed a Book Intituled, A Remonstrance, delivered by the Lord Viscount Gormandstowne, and others authorised by the said Confederate Catholicks, to your Majesty's Commissioners at Tryne, the 17th of March, 1642. (Which came not to the Knowledge of your Majesty's Protestant Subjects of Ireland till of late) wherein they have endeavoured, by confounding of Times, and by other subtile Conveyances, to put a Shew of Reason upon their wicked and unnatural Acts. We therefore beseech your most Sacred Majesty, to cast your Eye upon the ensuing Collection, of some Passages and unknown Truths, wherein will appear Part of the Grievances of your Majesty's said Protestant Subjects; and Part of the many Untruths and Scandalous Aspersions, by the said Remonstrants, cast upon your Majesty's Gracious Government, and upon your said Protestants. — Then they proceed to their Answer.

### First to the PREFACE.

Their An-  
swer to the  
Rebels Pre-  
face.

**T**HEY say, That the Remonstrants were no way necessitated to take Arms for the Preservation of their Religion: For which, long Time before their taking Arms, they were *not troubled*; nor so much as questioned: Nor for Maintenance of your Majesty's Rights and Prerogatives; there being no *Opponents* in the Kingdom of Ireland in that Matter, except the Remonstrants themselves: And how well they maintain your Majesty's Rights, appears by their having possessed themselves of almost all your *Revenues*, as well as the Estates of your Protestant Subjects:



jects : Their assuming and exercising a *Papal Jurisdiction* in the Church, and a Tyrannical Power in the Commonwealth : Their publishing *new Laws*, Coining of *Money*, erecting *Courts*, ordaining *Magistrates*, punishing with Death, and pardoning at their Pleasure ; treating with Foreign States, entertaining a *Nuncio* from the Pope, and two Agents from *France* and *Spain* : And in a word, to exclude all your Majesty's Prerogatives, Rights and Authorities : They have published an *Act* in Print, that no *Imperial* Government or Jurisdiction shall be assumed, kept, or exercised in that Kingdom, other than what is approved or instituted by their *General Assembly*.

17 Car.

Neither were they necessitated to take up Arms for the Defence of their *Lives*, Estates and Liberties : They being in no Fear of any of them by any Violence or Illegality, so much as offered or intended by your Majesty's Governours or Protestant Subjects ; who never at any time since the Reformation of Religion, offer'd any Violence against the Person or Estate of any Papist, *Quatenus a Papist*, nor otherwise, except in Case of *Rebellion*.

Touching hindring them from *Offering their Complaints* to your Majesty, there is no Truth in that Suggestion : The Lords-Justices and Council have not concealed any thing that came from them, but further'd the same to your Majesty's View or Knowledge ; as the Propositions of the Rebels of *Coran*, Nov. 6. 1641. The Letters and Desires of the Lords of the *Pale*, Decemb. 1641, &c. Nor indeed had they any *Colour of Complaint*, the Cause of Grief being intirely on *our Side*. And at the Beginning of this Rebellion, they had less Reason than ever, having lately received so much *Grace* and Satisfaction in all their pretended Grievances.

As to the Effusion of *Innocent Blood*, 'tis well if now they begin to be sensible thereof, whereof indeed themselves *only* are guilty ; as will appear by distinguishing the Times which they causelessly confound. Your Majesty's Subjects being in *full Peace*, trusting only to the Protection of the Laws, these Confederates did suddenly and *treacherously* assault, and by sundry kinds of tormenting Deaths, *murder some Hundred Thousands* of your harmless Protestant Subjects, despoiling both them and all the rest of their Estates, and openly professing to extirpate all *British* and Protestants. All which time, neither your Majesty's Governours, nor your surpris'd Subjects, were able to make any considerable Resistance : And when Forces out of *England*, and your Majesty's Authority enabled them to stand on their Defence, and take *due Vengeance* on their unparallel'd Wickedness : No Man, no not the Confederates in their own Consciences, can justly charge your Majesty's Governours or Protestants Subjects with *Blood undeservedly shed*. But the Confederates ought to bewail the Blood of your Majesty's Officers and Servants, fighting in the just Quarrel, as an *Addition* of Weight to their former Guilt. The rather because they slighted all Overtures ; as your Majesty's Proclamation, under your Royal Signature and Privy Signet, commanding them to lay down their Arms, your Majesty's Governours Proclamation, Nov. 1. 1641. promising *Mercy to all that should desist from Force* : And *tore* both the Order of Parliament, and the Letters of the Committee sent to them from *Drogheda*, and abused certain of their own Clergy sent to treat with and perswade them. Yet still your Majesty's Governors did the utmost to reduce them to Obedience, by appointing the Lord *Moor* and others, and afterwards Sir *Rich. Barnwell*, and *Patrick Barnwell*, to treat and perswade with them to come and submit their Discontents to your Majesty's known Clemency. And (which gives further Evidence of your Majesty's Servants and Subjects peaceable Inclinations) the Justices and Council, granting Commissions to divers Lords and prime Gentry of the Natives in the *Pale* to levy Forces, did withal, authorise them to *Parley with the Rebels*, and protect, and *promise Mercy* to all that would re-



An. 1641.

turn to their Obedience; which Commissions, even to many of the *Remonstrants* themselves, were issued after the 23d of *October*, and before the last of *November*, 1641. In all which Time, or afterwards, they might have staid the spreading of the Rebellion, if *promise of Mercy* would have done it. But they not only forbore to *reduce* any, but soon after *joined themselves* to the Rebels.

As to their undutiful Challenge to the deeply merited Expressions in your Majesty's Commission, we cannot observe their Presumption without *Grief of Heart*, but in all Humility leave the same to your Majesty's most discerning Judgment, not believing that any of your Governours, or Protestant Subjects, have ever represented those Confederates to your Majesty, otherwise than *Truth* and their Duty required.

### The Substance of the Articles of the Rebels Remonstrance.

The Re-  
bels  
I. Article.

*That the Catholicks of Ireland, since the second Year of Queen Elizabeth, are made incapable of Places of Honour and Trust, their Nobles becoming contemptible, their Gentry debarr'd the Universities and Schools, their younger Brothers put by all Employment at Home, and forced to seek their Education and Fortune abroad.*

### The Effect of the Protestants Answer.

Answer.

This is generally *untrue*, for after that Statute, Noblemen, many of the old *English*, were made *Privy-Counsellors*; and ten several *Judges* of that Birth and Education, possessed successively the prime Places of all the Benches of Law. Upon the Death of Sir *John Plunket*, Chief-Justice of the *King's-Bench*, about the 29 *Eliz.* Sir *Robert Gardiner* succeeding, was the *first English Judge* sent into that Kingdom in many Years before. The Noblemen and other Natives of fit Capacity and Breeding, in that Queen's Time, and ever since, have been trusted and employed in all Commissions from the Courts or otherwise, in equal Degree with Protestants. Their Gentry appointed *Sheriffs*, *Justices*, chief Officers and Judges in Corporations; their *Lawyers*, notwithstanding Difference in Religion, are, and have been *admitted to the Bar*; many of their prime Gentry have, by your Majesty, and your blessed Father, been dignified with the Titles of *Baronets* and *Knights*: Many of that Nation, after the said Statute, continued *Bishops* and other Dignitaries in the Church: Their Nobles have been graced by your Majesty and your Governours, with all Respects of Honour and Priviledge any way due to them, and no way less than the *Protestants* have been: Their Children (tho' themselves and their Parents Papists) have been freely admitted into all *publick Schools* without Question of Religion; nor can it be instanced, that *any* were ever refused to be admitted into the *College at Dublin*, if they would conform to the *Statutes* hereof, and to the *Laws* of the Land, with which *latter* they were not pressed till they come to be *Graduates*, and 'tis well known that as well from that *University*, as from the *Inns of Court* in *England*, many of them have gain'd great *Learning* and Knowledge, now employed to the extream *Annoyance* and Harm of your Majesty and your Kingdom.

II. Article.

*That Catholicks being thus excluded for their Religion; Men of mean Quality were employed in Places of Honour and Trust, who being to begin a Fortune, built it on the Ruines of the Catholick Natives; against whom they raised false and malicious Suggestions, to render them suspected and odious in England, whence all the Graces and Favours intended unto them have been opposed. False Inquisitions upon feigned Titles to their Estates have*



have been procured. Letters Patents (150 in one Morning) have been disallow'd and avoided, to the Ruine of the said Catholicks. 17 Car.

1. This is a great *scandal* to your Majesty and your glorious Predecessors, taxing you with want of Love and Care of your Subjects, by placing such *unfit* Governours and Officers; whereas 'tis well known, there have been sent thither to govern, *Earls, Barons*, and others of noble Extraction and plentiful Estates; and when *Justices* were appointed, they were sometimes *Noblemen*, and always Persons of the *best Rank* and Ability; so far from *building Fortunes*, that some have been much damaged by their Employment there.

Answer.

2. 'Tis manifest, that of 21 *Lieutenants, Deputies* and *Justices* successively, and 30 *Privy-Counsellors*, 12 prime *Judges*, and several inferior Judges sent out of *England* since the said Statute 2 *Eliz.* no *one* of them hath left any Estate there, nor were enrich'd by that Service; and though some others (and not many) left Estates, it was for the most part by the *Bounty of the Crown*, and very few or none by *Purchase*, except the Earl of *Strafford*; whereas on the other side, of 11 prime Judges, and many inferior Judges of *Irish Birth* since that time, *every one* of them left visible and valuable Estates, equal at least to the prime Gentry, and several of them, or their Posterity since advanced to *Titles of Honour* by your Majesty or Royal Ancestors.

3. Touching *false Inquisitions*, &c. It is a feigned and scandalous Information; for when any particular Inquisitions were found either for *Tenures* or *Titles*, no Traverses or Petitions of Right, as far as Law would allow, were ever deny'd, &c.

That divers Graces and Favours granted by King James by Commissions and Letters Patents, and by your Majesty in the 4th Year of your Reign, have by the immortal Hatred of some Ministers of State, (especially Sir William Parsons) to make themselves greater and richer by the total Ruine and Extirpation of the Irish, been violated and made unprofitable.

III. Article.

These Graces and Favour of your Majesty, and your blessed Favour extended to them, should have wrought Love, Obedience and Gratitude to your Majesty and your Ministers; who have most willingly extended the same as far as was possible, or might any way stand with your Majesty's Service, and the Happiness of the Kingdom. And if *Particulars* may come to an exact Examination, it will be most clear, That the Officers in the Articles charged, have done more for the general Peace and Prosperity of the Kingdom, than any of these Remonstrants ever offered, or could do; and would they but have concurred with, or connived at their Practices for setting up *Popery*, and the Diminution of your Majesty's *Rights and Profits* (to which End most of their pretended Grievances and Complaints are devised) they might have enjoy'd their more tolerable Reports and Approbation; however, your *innocent Protestant Subjects* could be no way guilty of the pretended Misbehaviours of your Governours and Ministers, if any such had been.

Answer.

The Illegal, Arbitrary Proceedings of Sir William Parsons, &c. in the Court of Wards, whereby the Heirs of Catholicks were tyrannically destroy'd in their Estates, &c.

IV. Article

The Parts of this Article, consisting of Generals, are untrue, devised to traduce your Majesty's gracious Government. [This they demonstrate by an Enumeration of the just and kind Proceedings of that Court, and conclude with these

Answer.



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*these Words.*] But when these Confederates have summoned their Inventions to defame that necessary and orderly Court, they forbear to express the true Grounds of their Grievances, which are, *1st.* The Education of the *Wards*, as well in *Civility* as true *Protestant* Religion, and other good Literature, which they generally abhor. *2dly*, That the Uncles and Friends might not freely take into their Hands the Childrens *Evidences, Lands, Rents* and *Goods*, and waste them without Account, as formerly. *3dly*, Because the just and legal *Dependancy* of the Gentry, is rightly settled in your Majesty, whereof the *Irish* Lords and Chieftains did heretofore unjustly deprive your Majesty, and so labour still to do. *Lastly*, Because by the Blessing of Peace and good Order, your Majesty's Rights, Interests, and just Profits were by your Judges and Officers more carefully inspected and levy'd.

V. Article.

*That the Catholicks, notwithstanding these Pressures, did readily contribute to all Subsidies, &c. granted since the beginning of your Reign, amounting to near One Million of Pounds; and though they were the most forward in granting the same, and did bear Nine Parts of Ten in the Payment, yet their Adversaries assumed to themselves to be the Procurers thereof, and represented the Catholicks as refractory.*

Answer.

*I.* Whatever their *Gifts* were, they did but their Duties, as a Part of Retribution for the Graces your Majesty bestowed on them: Nor was your Majesty ever the richer, being all disburs'd amongst themselves; partly to pay the old Army, and for the greater Part on the new Army, which mostly consisted of themselves.

'Tis most untrue, that either they were the *most forward* in Parliament to grant Contributions, or paid such *large Quantities* thereof: For as to the Contribution towards Maintenance of the Army, your Majesty's Protestant Officers were the first Movers thereof, and these Remonstrants, the main *Opposers*, as doubtless your Majesty may remember; and by the *Rolls* extant it appears, your Protestant Subjects paid a *third Part of the Whole*, though neither the Quantity nor Quality of their Lands amount to no more than a fifth Part of the Kingdom: And such have been always their Affections to the Crown, that would the Remonstrants really perform the like, there need *no Forces* to maintain Peace, but the Bounties of your People might come *intire* to your Coffers.

VI. Artic.

*The Army raised here for your Majesty's Service, was Disbanded by the Importunity of the malignant Party in England, alledging the same was Popish, and not fit to be trusted. Andtho' there were an unexempld Invasion made by the malignant Party of the Parliament of England, on your Majesty's Honour, Rights, Prerogatives, and principal Flowers of your Crown: Tho' Sir W. Parsons, Sir Adam Loftus, &c. declar'd, 10000 Scots were to arrive in this Kingdom, to force the Catholicks to change their Religion; and that Ireland would never do well without a Rebellion, that the Natives might be extirpated; and Wagers laid at General Assizes, That within one Year, not one Catholick should be left in Ireland: Tho' they saw the Priviledges of the Parliament of Ireland incroached upon by that of England, in sending for its Members; and that it was declared, that Ireland was bound by Statutes made in England, if named contrary to the known Truth, and the Laws settled here for 400 Years: And tho' they were informed of the Protestation made by both Houses in England, against Catholicks, and the cruel Execution of Priests there, only for being Priests, and that your Majesty's Mercy and Power would not prevail to save the Life of one condemn'd Priest; yet did they not take up Defensive Arms, much less Offensive; still expecting your Majesty might in time be able to apply Remedies to these Evils.*

*I.* The



1. The Lords-Justices and Council went not to *Disband* the Army till *Commanded* by your Majesty's Warrant, and it was of *absolute Necessity* to do it, having spent all their Victuals; nor was the Kingdom in a peaceable Way able to maintain such an Army as the now Remonstrants themselves openly profess'd in this Parliament. But the Reason they so distaste that Disbanding was, because thereby disappointed, of such *an Help* to execute their *bloody Design* on your *British* Protestant Subjects, which was consented unto by many of these Remonstrants, Members of both Houses, in the *May-Session* of Parliament before, as was declared by *Hugh MacMahon*, upon his Examination: These Remonstrants well knowing, that the greatest Part of that Army, as well common *Soldiers* as *Commanders*, were ready to be employ'd in that Exploit, as since more fully appear'd. And for the same Reason they endeavour'd to *stay* them from being sent over Sea into the Service of other Princes. And in the same Session, under Pretence that the Lord *Strafford's* Servants had laid *Gun-powder* under the Parliament-House, to blow them all up, got a *Committee*, whereof *Macguire*, a chief Conspirator, was one, and most *busie* to search for the said *Powder*; which was on purpose to see *what Arms* were brought in (that being a Place where Arms had been kept in former Times) and finding *none* there, petitioned the Lords-Justices to see the Stores of Powder and Arms in other Parts, in or about the Castle which they refused to admit.

2. As to the bringing in 10000 *Scots*, and *Extirpating the Natives*, 'tis no wonder that those Remonstrants, in whose Brains Extirpation of *British* and *Protestants* did so much run, should fancy such Thoughts in other Men, as one Excuse for their own evil Intents.

3. But that the Persons named should declare or advise such an Act to disturb that Kingdom where their Subsistence is, and where their *own Children* are *match'd to Natives*, no wise Man can believe.

4. The Story of the *Wagers* is only this: At *Wexford* Assizes, a little before the Rebellion, a Protestant and a Papist having some Discourse at the Sheriff's Table, the Papist said, *He would never go to Church*: To which the Protestant merrily answer'd, *I will give you 5 l. and you shall give me 50 l. for it, if you come not to Church before this time Twelve-month*. The dull Papist seeming startled, was earnest to understand the Mystery of such a Wager, which at last the other unfolded, to the Diversion of the whole Table; and here is one Ground on which these Remonstrants pretend to found their bloody Massacre.

5. What the Parliament of *England* might pretend, the Protestants in *Ireland* are Strangers unto; but it cannot be believed that these Remonstrants could be truly informed of any *Protestation* made by, or Intention in the said *English* Parliament, to extirpate their Religion, before they entred into this *Rebellion*.

5. Whether Laws made in *England*, will *bind in Ireland*, if *Ireland* named, is a Point concerns the *Protestants* of *Ireland* as much as *Papists*, and being only talk'd of, might more fitly have been disputed in civil Assemblies, than by *Arms* and open Hostility against your Majesty, and the Resolution written in the Blood of so many Thousand Protestants.

7. Touching the *English* Parliaments encroaching on that of *Ireland*, they do well now to croud it amongst the rest of their Prettexts; but when Protestant Members of this Parliament (against whom that pretended Encroachment most extended) were sent for, they addressing to the Parliament to defend them and their Priviledges, were answer'd by a leading Member, now a *Remonstrant*, That *the House should do well not to take notice of it, lest Variance should arise between the two Parliaments*, so unwilling were they then to *maintain*, what they now so stoutly challenge.

That

17. Car.

Answer.

A Search for Gun-powder pretended before the Rebellion, to see what store of Arms and Ammunition the Protestants had.



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VII. Artic.

*That Committees having attended your Majesty for Redress of Grievances, the Lords-Justices and Council endeavoured to hinder the same: And when granted, to prevent their being passed into Acts of Parliament, caused private Meetings to be of Members of the House of Commons, to raise Distinction of Nation and Religion; whereby a Faction was made, and the publick Service disturb'd, and on the 7th of August adjourned the Parliament, whereby those Graces would not (according to your Majesty's Intentions and your Subjects Expectation) then pass as Acts of Parliament. And when the said Committees returned to Dublin, the said Justices would not acquaint the People with the Graces your Majesty had by them sent over.*

Answer.

1. Deny that ever they endeavour'd to *obstruct* the Redress of Grievances, but affirm there were Daily and Nightly *private Meetings* of the *Remonstrants*, Members of Parliament, to the great Prejudice of the publick Affairs; but the Protestants did forbear such Meetings, lest it should give Suspicion of *siding*, or Animosities, till hearing that the now Remonstrants intended to *impeach* divers of your Majesty's principal Officers (who could not be drawn from their just Duty to your Majesty and your Rights) and others who had labour'd to clear your Majesty's Title to the Lands in *Connaught*; the said Protestants *then* (and not before) to be in some measure prepared to free themselves and the House, from those unreasonable Attempts, did *once* (and no more) meet, but agreed on nothing that ever gave Offence or just Distaste to the *House*, or any Member thereof.

2. That the Lords-Justices finding nothing of moment for the General Good, or your Majesty's Service, before the Parliament thought of an *Adjournment*, the rather because *Harvest* grew on, and the Houses grew thin, many Members being already gone home; and both Lords and Commons agreed to adjourn on *Saturday* the 7th of *Aug.* the rather, because, by a Letter receiv'd *Aug. 6.* from the *Committee* in *England*, they found no Cause to expect the *Bill* desired in a short Time, the said Committee being still at *London* undispach'd.

3. The Lords-Justices, as soon as notice of your Majesty's *Concessions* and Favours to the said Committee arriv'd, were so far from concealing them, that they did, *de Facto*, send Briefs to all the Ports of the Kingdom concerning the *Customs*, publish'd Proclamations for the sending away of *Wool*, and Warrants for the free Entries of *Tobacco*, &c.

VIII. Artic

*That Petitions contrived by the Advice of Sir William Parsons, &c. Signed by many Thousands of the malignant Party in Dublin, Ulster, and other Parts, and directed to the Commons House in England, were read at the Assizes and other publick Places, containing Matters destructive to the Catholicks Religion, Lives and Estates. And also they heard of an Order in the said Commons House in England, against bowing unto the Name of J E S U S; and that the said malignant Party did plot to extinguish their Religion and Nation. This made some Catholicks consider the desperate Condition they were in by a Statute of the 2d Eliz. (never executed in her Time, nor discovered till most of the Members of that Parliament were dead) whereby no Catholick would enjoy his Life, Liberty, or Estate, if the same were executed; which nothing hindred, but your Majesty's Prerogative; which being endeavoured to be taken away, then the Plot of Destruction by an Army out of Scotland and another out of England must be executed.*

*The Fears of those Twofold Destructions, did necessitate some Catholicks in the North, about the 22d Octob. 1641. To take Arms in maintenance of their Religion, your Majesty's Rights, and the Preservation of*

Life,



Life, Estate, and Liberty; and immediately took a Solemn Oath, and sent several Declarations to the Council, desiring they might be heard in Parliament. But all was slighted by the Lords-Justices, who on the 23d of October published a Proclamation, accusing all the Catholics of Ireland of Disloyalty, and prorogued the Parliament, and tho' they afterwards suffered them to sit two Days, yet it was under the awe of armed Men, who were directed to shoot them as they came out of the Parliament-House if they did comply; and by these Terrors prevailed with them to pass an Order, That the said Discontented Gentlemen took Arms in a Rebellious Manner.

17 Car.

Yet notwithstanding all these Provocations and Pressures, the far greater and more considerable Party of the Catholics, and all the Cities and Corporations of Ireland and whole Provinces stood quiet in their Houses. Whereupon the Lords-Justices knowing that many powerful Members of the Parliament of England stood in Opposition to your Majesty, made their principal Application to them, and propounded unto them to send Forces to Conquer the Kingdom.

The malignant Party here were Armed, the Catholics denied Arms, and Disarmed; and the Lords-Justices having received an Order of the Parliament in England to proclaim Pardon to all that were then in Rebellion (as they termed it) published it but in two Counties, and with a very short Day prefixt, and an Exception of all Freeholders, through which every one saw that the Estates of Catholics were first aimed at, and next their Lives,

Next they commanded Sir Charles Coot to march into Wicklowe, where he burnt, kill'd, and destroy'd all in his Way, Man, Woman and Child. Soon after some Foot Companies march'd by Direction of the said Justices by Night unto Santry, three Miles off Dublin, where innocent Husbandmen, some being Catholics, others Protestants took for Catholics, were murther'd in their Inn.

Whereupon some Gentlemen of Quality fearing all to be murdered, were constrain'd to stand together in their own Defence, who were summoned in by a Proclamation of the 13th, to come in by the 18th of Decemb. 1641, and another Proclamation summon'd the Lords of the English Pale to a grand Council on the 17th of the same Month. But to prevent all Accommodation, the said Justices directed Sir Charles Coot, on the 15th Decemb. to march to Clantarff, the House and Town of George King (one of the Gentlemen summon'd) to pillage, burn and destroy all that was there to be found: Which was executed accordingly, in manifest Breach of publick Faith; whereby the said Meeting or Grand Council was directed, the said Lords and Gentlemen not daring to come within the Power of such notorious Faith-breakers.

The Consideration whereof made those of the English Pale, put themselves in a Posture of Defence.

1. As to Petitions contriv'd by the Persons nam'd, sign'd by Thousands, &c. 'tis utterly false. If so many sign'd them, 'tis strange no Copy can be produc'd. But the Occasion of this Fiction was only this, in Aug. 1641, the Lords-Justices had notice that in the County of Tyrone there was a Petition framed (as afterwards appeared) by some Protestants in Dublin, carry'd up and down to gather Hands, and not knowing what it was, did by their Letter require the Bishop of Clogher to take that Petition, and carry it to the Judges of Assize, that they might proceed therein according to Law, and then send it up to the Council, which was done. Which Petition containeth no matter destructive of Catholics, but rather lays Accusations of some Disorders and Remissness in the Protestant Clergy.

Answer.

2. There was nothing designed against these Remonstrants in the Parliament of England, till they had declar'd themselves in horrid Rebellion, and massacred and spoiled your Majesty's peaceable and conformable British Protestant Subjects.



An. 1641.

3. As to the dreadful *Stat. 2 Eliz.* 'tis supposed they mean the *first Chapter*, for it was made to repeal the *Statutes* made by *Q. Mary*, and to restore to the Crown *Ecclesiastick Jurisdiction*, and punish such as maintain any Foreign Jurisdiction. Or else the 2d *Ch.* which settles the Book of *Common-Prayer*, and requires all to come to Church on a small *pecuniary Mulct*. Now as these two were no such *concealed Laws* as they pretend, so the *first* mitigates the Common Law, making that Treason only for the *Third Offence*, which was so for the *first*; and in the second there is nothing that can destroy any Man's *Life* or *Estate*: And these Laws have been in Force *Fourscore* Years, and no Man lost his Life or Estate on either of them; nor *Liberty* for any long Time. Yet these Remonstrants from this, and the other *wild Fiction* of 10000 *Scots* (*then*, not so much as thought of, to come thither, but long after agreed on by your Majesty, to be sent to prosecute these Rebels) take the Boldness to avow the Acts of the *Northern* Rebels, 23d *Octob.* 1641. as necessitated thereunto for Maintenance of *Religion* and your Majesty's *Rights*, which none there ever impeached, except themselves. Nor were there any such Declarations sent by them to the Lords-Justices, desiring to be heard in Parliament, as they falsely pretend.

4. The Proclamation, 23d *Octob.* was to publish the Discovery of the Conspiracy of *some ill-affected* Irish Papists, and make known the Preservation of *Dublin*; and when the old *English* took Offence at the Words *Irish Papists*, the Justices to give them no Umbrage of Discontent, by a second Proclamation declare, That thereby they mean only the meer *old Irish in Ulster*, and none of the old *English* of the *Pale*, or other Parts.

5. The *Prorogation* of the Parliament proceeded from the Necessity of the Time, many Members being then in *Rebellion*, many *slain* and *hanged* by the Rebels, some *imprisoned*, some *besieged* by them. But to avoid Disputes of the Legality of a Prorogation by Proclamation, it was agreed such as could should meet and sit for a Day or two to make some publick Declaration of their Loyalty; which being done, and all their Requests granted by the Justices and Council, they were prorogued to the 11th of *January*. That they were under any *Force* is a meer Fiction; 'tis true there were *armed Men*, but 'twas only for Preservation of the Castle against the Remonstrants wicked and bloody Confederates: Nor could any *Members* thence take the least Apprehension of *Terror*, if some inward *Guilt* did not beget in them a Jealousie of what was never intended or thought of.

6. Whereas the Remonstrants say, that at the Time of that Session, *viz.* Nov. 17. all the *Cities and Corporations*, and whole Provinces stood *quiet*. *Hugh Mac Mahon*, on his Examination, 23d *Octob.* declared, That he and the rest were well assured none of *all the strong Towns* in the Kingdom (if they had taken *Dublin*) would have opposed them. And accordingly they have joyn'd with them, except some very few where your Majesty's Forces lay, and except the Protestant Towns. [*And here, by divers Arguments, they prove the Conspiracy was GENERAL.*]

7. As at the breaking out of this Rebellion there was not known any *Difference* between your Majesty and your Parliament in *England*; so did not the Justices first address their Advertisement to that Parliament; but to your Majesty, on *Octob.* 25. and to your Lieutenant of that Kingdom; and on *Nov.* 5. to your Council, and understanding your Majesty had communicated it to the said Parliament, they then, and not before, writ to *both Houses*.

8. Many *Roman Catholicks* as well as Protestants were at first Listed and *Armed*, and Arms and Ammunition delivered by the Lords-Justices to them, as far as possibly could be spared: And particularly they delivered Arms and



and Ammunition for 1700, to the five Counties of *the Pale* for their Defence; some of which on notice of the Defection of those intrusted with them, were recovered and brought back, and the rest employ'd by the Confederates to fight against your Majesty and your Armies. And the Catholicks in *Dublin* were not Disarmed till most of the *Pale* were in open Rebellion.

17 Car.

9. The Lords-Justices did forthwith, after Receipt of the Order of the Parliament of *England* for offer of *Pardon*, viz. *Nov. 12. 1641.* cause it to be printed and dispersed as far as they could. Nor did they aim at any of their *Estates*, but shewed much Regret at the Defection of the *Pale*, and how willing they were to preserve as many of them as they could, appears by their readiness to embrace the *Earl of Westmeath* and his Family, tho' they had Intelligence of *Northern* Rebels resorting to his House. Their permitting Sir *Morgan Cavanaugh's* return to his House, on his false Protestations, tho' they had Cause to suspect his and his Son's coming to Town, just on the 22d of *Octob. 1641, &c.*

10. Sir *Charles Coot*, on the 17th of *Nov. 1641.* set forth with a small Force to relieve your Majesty's Castle of *Wickloe*, and another Castle, both besieged by Rebels. All the *Irish* of that County having many Days before risen in open Rebellion, seized your Majesty's Forts, and all the Houses of the *English*, robb'd all the *British* Protestants, threatned to assault *Dublin*, and robb'd within two Miles of it. He had also Direction to kill and spoil those Rebels by Fire and Sword as far as he could, but there died not above thirteen Men by his Command, proved to have committed the same rebellious Acts, and such as fought with him in open Field with Banners display'd. Which Expedition could not affright those of *the Pale*, being principally intended to prevent the Rebels from making Incurfions and Spoils upon them.

11. The Business at *Santry* was this. One *Derrick Hubbert* a Protestant Gentleman was murder'd in his own House, in the County of *Dublin* (about ten Miles from the City) and some others of his Family; on the 5th of *Decem. 1641*, one comes to a Lieutenant in *Dublin*, and tells him, he could bring him upon some of those that committed these Murders. The Lieutenant, with Allowance of his Captain, without the Command or Privy of the Lords-Justices, or any of the Council, took with him forty Soldiers that Night in pursuit of those Murderers and other Malefactors, and coming to *Santry*, found four Persons lately come thither, with such Arms as they could get in the Country, and who, (he was informed,) were Offenders, and so he slew them; and pass'd further into the Country, in search of the rest of the Malefactors, but could not find them; the Lords-Justices and Council hearing next Day of this rash Act, sent for the said Lieutenant, who justified what he had done, affirming them to be *Rebels*, and no Man prosecuting the matter against him, it there rested; and there were many *Papists* then dwelling in that Town, whom he did not hurt.

12. That *Luke Netterville*, Son to the Lord *Netterville*, about the latter end of *November, 1641*, made Proclamation at *Lusk*, that all the Gentry, on Pain of Death, should meet at *Swords* (within six Miles of *Dublin*) within three or four Days after, (which was before the killing at *Santry*) and there by his own Authority, constituted several Captains, and commanded them to be there again with their Companies armed, *December 7th.* and then there appeared 1200 in Arms, of which the Justices being informed, sent to them an Order to separate themselves, and that *Netterville* and six others should attend their Lordships. But they refused both, and continued at *Swords* till *January*, Robbing, Spoiling, and Imprisoning your Majesty's Subjects. And *December* the 4th, sent a Party to *Clantarf* (but a Mile and a



*An. 1641.* half from *Dublin*) where they faced the City, and the Inhabitants of that Village had robb'd two *English* Barks, and threatned to burn all the Ships in the Harbour; whereupon the Justices and Council, on the 15th of *December*, sent out Sir *Charles Coot* to beat them out, and burn the Village, which he performed, and found in the said Mr. *King's* House, and other Houses, divers of the Goods of the said two Barks.

13. Finding the Rebellion on all Sides encrease, the Lords-Justices, *Decemb.* the 3d, 1641, writ to the Lords and Gentry of the *Pale*, to meet them on the 8th, but they refused, alledging that they were told Sir *Charles Coot* at the Council-Board had uttered Words tending to a Purpose or Resolution of a *general Massacre on those of their Profession*. To take off this Pretence, the Justices and Council publish a Declaration *Decemb.* the 13th, affirming, that they never heard *Coot* or any other utter any such Speeches, and that that *Board* never meant to dishonour the State, and wound their own Conscience, by harbouring a Thought so impious and detestable, but would severely punish any that should be proved to have spoken the same; and also gave the said Lords and Gentry the *Word of the State* for their Safety, but still they refused to appear, [and here the Answer goes on with a particular Relation of divers Passages and Actions, and how the Lords-Justices, having about the beginning of November, delivered out Arms and Ammunition for 300, to three Captains, being Papists, appointed to guard the County of *Kildare*; one of them, Captain *Nicholas White*, eldest Son of Sir *Nicholas White*, on the 2d of *December*, ran away with the whole Company and Arms to the Rebels, and conclude as to this Article thus] all which Particulars are specified, that it may appear in what Case the *Pale* and other Parts of *Leinster* stood, before the killing at *Santry*, and burning at *Clantarfe*. That your Majesty may the more clearly see the Vanity and Malignity of the Confederates in pretending to be terrified into Arms by those Arts, (which they know were subsequent to their taking Arms) and by their other devised Provocations in *England* and *Ireland*, no truer than the former. And that it may appear to all the World, that the Lords-Justices did not draw your Majesty's Sword upon Jealousies or Presumptions, till the highest Extremities compell'd; till innumerable Murthers, Spoils and Outrages committed on the British and Protestants in so many Places, without Stop or Restraint by any of the Lords or Gentry, nor till the horrid Defamation of your Sacred Majesty, and that it fully appeared, that all was done by Conspiracy and Design.

IX. Artic.

THAT the Lord-President of Munster, the Province being quiet, burnt, prey'd, and put to Death, Men, Women, and Children, &c.

Answer.

SHEW the Falseness of this Article, by particularizing the Times and Occasions of the Actions by him performed; how kindly such were used and trusted, as were peaceable, as long as they continued so; That he meddled not, till he found that the Inhabitants of all Sorts did rise in Rebellion, Murthering and Spoiling the Protestants, and then, in *Feb.* 1641, he was ordered to prosecute them with *Fire and Sword*. Yet at the same time he offered to as many prime Men as he could, your Majesty's gracious Proclamation for laying down Arms, but they rejected it, some saying that it was Counterfeit, and others that it was done by Coertion.

X. Article.

THAT whereas Ireland has a Parliament of its own, and no Statute made in England ought to bind in Ireland, unless there establish'd by Parliament; yet by several late Acts, your Majesty's Subjects unsummoned, unheard, were declared Rebels, and two Millions and a half of Acres of their Lands sold to the Undertakers; which Acts they conceive to have been



been forced upon your Majesty, because unjust and destructive, the Scope seeming to aim at Rebels only, and the Disposition of a certain quantity of Land, but in Effect and Substance, all the Lands in the Kingdom may thereby be distributed. By colour whereof the Forces sent hither Disavow Authority from your Majesty, but depend upon the Parliament of England.

17 Car.

HOW far Laws made in England may bind in Ireland, will best appear by Records and Precedents. The Acts mentioned were made by your Majesty's Royal Assent, and do not aim at any Lands, but only of those that have rebelled, and committed the most detestable Treasons against your Crown, Person, and Dignity, and the most outrageous Cruelties and Spoils on innocent Subjects, without any Provocation; which Acts cannot in any respect be the Occasion or Grounds of those hideous Perpetrations, since they were in their first Conception derived only from the fearful Rebellion of the Confederates, and (after their horrid Acts) provided by your Majesty and your Parliament, as the most speedy and effectual way to relieve the Remnant of your miserable despoiled Subjects, ready every Day to be swallowed up by the Deluge of that universal Rebellion; and therefore it cannot be believed that your Majesty was enforced thereunto, it being your own Cause, and the Cause of your beloved and ever loving People. Neither is there any Truth in that malicious Traducement, that your Majesty's Forces in Ireland disavowed any Authority from your Majesty; all their Authority and Command being entirely derived from your Majesty and your immediate Ministers.

Answer.

ALL Strangers have been commanded to depart Dublin, and then were, by Direction of the Lords-Justices, pillag'd abroad. Persons employ'd by them in publick Service, and others that kept within Doors and annoyed no Man, and who had the Protection of the State, were sooner pillag'd, their Houses burnt, themselves, Servants and Tenants killed and destroy'd, than any others; Quarter given and taken violated; such as came into Dublin voluntarily, and who could not be justly suspected of any Crime, if Irishmen or Catholicks, imprisoned and tried for their Lives; Dublin, Cork, Drogheda, Yeoghal and Kingsale, who received Garrisons in your Majesty's Name, worse used than the Israelites in Egypt; so that it will be made appear, that more Murthers, Breaches of publick Faith and Quarter, more Destruction and Desolation, more Cruelties not fit to be named, were committed in Ireland by the Direction and Advice of the said Lords-Justices and their Party in less than eighteen Months, than can be parallel'd to have been done by any Christian People.

XI. Artic.

'TIS true, the Lords-Justices and Council, for common Safety, on the 23d of Octob. 1641. when the Hour approached, designed for surprizing your Castle of Dublin, observing Multitudes of Strangers to come to Town several ways, who not being admitted at the Gates, grew numerous in the Suburbs and Fields, to the great Terror of the Inhabitants, did publish a Proclamation, requiring all that were not Dwellers in the City or Suburbs, to depart on Pain of Death; but this did not aim at any of the Pale, or of known Credit, nor did any such take any ill Apprehension thereat; and upon further Resort of dangerous People, they set out the like Proclamation on the 28th of the same Month: And another on the 11th of Novemb. That all that had not necessary Cause of Business, should depart in twenty-four Hours. But 'tis untrue that any of these Persons, or any other had their Goods pillaged by Directions of the Justices. Indeed afterwards, the Soldiers which came out of England, when they wanted Pay, did many unruly Acts

Answer.



An. 1641.

*Acts* by pillaging and otherways, but the Justices endeavoured as much as possible to restrain them, witness their Orders and Declarations. That any who annoyed no Body, or that had the *Protection* of the State, were pillaged or kill'd, or their Houses burnt by the Justices Order, is a meer Fiction. Neither was any *Quarter*, though sometimes unwarrantably given, ever violated by them, or with their Privity. Neither was any Man killed, or his Goods taken by any Authority, because an *Irishman* or a *Roman Catholick*, but because a *Rebel*. *Drogheda* and the other Towns, 'tis true, are forced to endure the Trouble of unruly Soldiers; but that, and all other Miseries of them and the whole Kingdom, is occasioned only by the Confederates *Rebellion*. And as to the *Murthers*, *Breaches of Faith*, &c. which they talk of, committed by the Direction of the Lords-Justices, the Assertion is *most false and scandalous* in all the Parts thereof; for whatsoever Killing or Destruction was executed on the Confederates and their Complices, having their Swords in their Hands, was done in natural Defence, and in a Course of *just War*, as a necessary Chastisement from a gracious and religious Prince, upon the Unnaturalness of *unfaithful Subjects*, raging in all Extremity against the Lives, Persons and Estates of your innocent and obedient Subjects, neither did all that Killing and Destruction amount to the *tenth Part* of the Murthers and Destructions, in near four Months before committed upon your Majesty's Loyal and Innocent Subjects, and that by sudden Surprizal and *cold Blood*, when they were no way able to make Resistance. And the Indisposition of the Lords-Justices to shed Blood, appears in that of above sixty Persons, who amongst many Hundreds coming to surprize *Dublin*, were on the 23 of *Octob. 1641*, apprehended, none suffered Death, save only *one*, whom the Lord *Macquire* confessed to be privy to the Plot, and many the like Instances there are of their Tendernefs in that Point.

The Last Article.

*THE Justices have caused the Sitting of the Parliament for several Sessions, nine Parts of ten of the genuine Members being absent, the House of Commons consist of a Number of Clerks, Soldiers, and others not legally return'd, and having no manner of Estate within the Kingdom; and the Terms were kept at Dublin to no other end, but by false and illegal Judgments and Outlawries, to attaint many Thousands of your Majesty's most faithful Subjects, poor Artificers, Soldiers and Servants being returned Jurors to pass on the Lives of those who came in upon Protection, and the publick Faith; therefore the said Catholicks do protest against the said Proceedings in Parliament, and the other Courts aforesaid. And for preventing further Effusion of Blood, and the Satisfaction of your said Subjects, who in Manifestation of their Duty and Zeal to your Majesty's Service, will be ready to employ 10000 Men, under the Conduct of well-experienc'd Commanders, in Defence of your Royal Rights and Prerogatives. They pray,*

1. *A Free Parliament to be held in an indifferent Place, wherein their Grievances may be redress'd.*

2. *That the Statute of 10 H. 7. called Poynings Act, be suspended, and afterwards, by Advice of Parliament, either repeal'd or continu'd, as they find fit, and that no matter whereof Complaint is made in this Remonstrance, may debar Catholicks from Sitting and Voting in the said Parliament.*

Answer.

*CAN* the Confederates imagine it reasonable, that because they will be *Rebels* without Cause or Provocation, therefore your Majesty and your good People must neither have *Parliament* nor *Courts of Justice* to sustain and comfort them? Whereas they affect to vilifie the Members of Parliament, they cannot but know, that the *Peers* are the very same, and the Commons for the most Part the same, that were thought worthy



worthy to sit with them, and as active and able in the Service of your Majesty and the Commonwealth, as any of them, and much more faithful. And for such of these Confederates as the wholesome Laws of the Land have cast out for their *Treasons* and Breach of Faith both to God and Man, there are by due Election substituted in their Places, *Men of Estate* for the most Part, but all *honest* and *legal* Men.

The *Terms* since the beginning of *Hillary-Term*, 1641, have been kept at *Dublin*, as legally they ought to be, and many known Traitors and Rebels on full Evidence Indicted, and many duely outlawed, but no faithful Subjects have been Indicted or Prosecuted, no *Sheriffs* appointed, but Men of known Credit and Subsistence, competent for such a Trust as now the State of the Kingdom standeth, most of the former Sheriffs openly joining in the Rebellion. Whereas they seem offended that *Soldiers* are Members of Parliament, and serve as *Jurors*, they should have considered, that their Rebellion forced many of those Men to take up that honourable Profession, to stand in your Majesty's just Quarrel against the Remonstrants, and defend the Residue of your distressed Subjects, and that many of those Men had (till the Confederates robb'd them) and still have Interests in as *good Estates* as themselves, and as well in that regard as of Abilities, are as fit for the best Trust in the Commonwealth. That any have been tried for their Lives and Estates that came in upon *Protection* and the publick Faith, is a notorious Untruth. And whereas they *protest* against the present Parliament, and desire one that they call a *free one*, 'tis plain, they intend the *Dissolving* of the Parliament now sitting; and how dangerous that may prove, is left to your Majesty's Wisdom; for, 1. They, being the Parties criminous, will gain the *acquital* of their Treasons, and the management of Affairs, and wholly exclude your Protestant Subjects, who so faithfully have served you; and thus those of us that they have left undestroyed by the *Sword of Rebellion*, they now desire to destroy or banish by *colour of Justice*. And 2dly, by repealing of *Poyning's Law*, 'tis evident the Remonstrants design to bereave your Majesty of your Rights, and that you shall not be acquainted with what Laws they make, and so they may repeal the *Stat. 2 Eliz.* against the Pope's usurped *Jurisdiction*, and all Laws touching the Worship of God, whereby your Majesty will lose above the one Moiety of your Regal Authority, and God be bereaved of his Honour, and all good People forced to forsake that Kingdom. 3. The Remonstrants have erected a *popular Government*, viz. Their *Supream Provincial*, and *County-Councils*, which if they should settle by *Act of Parliament*, they would thereby give Countenance to their past Actions, and for ever exclude the Laws of *England*, which for 400 Years have governed them. 4. Your Majesty is already intituled to a great Part of that Kingdom, by *Attainder* of many of the Remonstrants in this Rebellion, which by this means they will be sure to deprive your Majesty of, and so disable your Majesty to raise any yearly Revenue out of their Lands, or make your Protestant Subjects any Satisfaction for their Losses.

*Lastly*, Your Protestant Subjects crave leave to inform your Majesty, that the Confederates have violated the *Cessation*, and as well by *Fraud* as *Force*, have taken from divers of your Protestant Subjects several Places of Strength, Lands and Goods to a great Value, and refuse to make Restitution, but have burnt and wasted many Places, to the Ruin and Terror of your said Subjects, and do yet detain the greatest Part of the 30000 Pounds, which, by the Treaty of the said Cessation, they were obliged to pay towards Maintenance of your Majesty's Army, tho' long since due, whereby your Army, that rely'd thereupon, is reduced to great Extremities, and forced to be burthensome to your Protestant Subjects, to the great Disservice of your Majesty.



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By all which 'tis evident, they intend nothing less than the absolute Extirpation of your Majesty's *English* Government, and Protestant Subjects. Thus far the Answer of the Protestant Agents.

But as these *Irish* Rebels made use of these false, tho' specious Pretensions, in their Remonstrance to the King, so on the other Side, to delude the People, they spread abroad many other vile Fictions and Scandals on his Majesty; and amongst the rest, were so wicked, in the beginning of their Rebellion, as to pretend a Commission for their Doings; which having been hinted at, and mentioned by several Authors, is here exposed at large, as it was printed in those times, the Words being enough to shew their villainous Practice, notwithstanding their Pretence of Loyalty to the King; and its bare Recital is a sufficient Refutation and Detection of the unparallel'd Forgery.

From our Camp at the Newry, this 4th of November, 1641.

*Phelim O Neale, Rory Mac-Guire, &c.*

The *Irish* Rebels pretended Commission, communicated by Sir *Phelim O Neale*, and *Mac-Guire*, to the Confederates

**T**O all Catholicks of the Roman Party, both English and Irish, within the Kingdom of Ireland, we wish all Happiness, Freedom of Conscience, and Victory over the English Hereticks, who have for a long time Tyrannized over our Bodies, and Usurped, by Extortion, our Estates.

Be it hereby made known unto you all, our Friends and Countrymen, that the King's most Excellent Majesty, for many great and urgent Causes threunto moving, reposing Trust and Confidence in our Fidelity, has signified unto us, by his Commission under the Great Seal of Scotland, bearing Date at Edinburgh the first Day of this Instant Octob. 1641. and also by Letters under his Sign Manuel, bearing Date with the said Commission, of divers great and heinous Affronts, that the English Protestants, especially the Parliament there, have published against his Royal Person and Prerogative, and also against our Catholick Friends within the Kingdom of England; the Copy of which Commission we have here sent unto you, to be published with all speed in all Parts of this Kingdom, that you may be assured of our sufficient Warrant and Authority herein, viz.

The Commission pretended by the *Irish* Papists.

**CHARLES**, by the Grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c. To all Catholick Subjects within our Kingdom of Ireland, Greeting. Know you that We, for the Safe-guard and Preservation of our Person, have been forced to make our Abode and Residence in our Kingdom of Scotland for a long Season, occasioned by Reason of the obstinate and disobedient Carriage of our Parliament of England against Us, who have not only presumed to take upon them the Government, and disposing of those Princely Rights and Prerogatives that have justly descended unto Us from our Predecessors, both Kings and Queens of the said Kingdom, for many 100 Years past, but also have possessed themselves of the whole Strength of the said Kingdom, in appointing Governors, Commanders, Officers, in all Parts and Places therein, at their own Will and Pleasure, without our Consent; whereby We are deprived of our Sovereignty, and left naked without Defence: And forasmuch as We are in our selves very sensible, that these Storms blow aloft, and are very likely to be carried by the Vehemency of the Protestant Party into our Kingdom of Ireland, and indanger our Royal Power and Authority there also; Know ye, therefore that We, reposing much Care and Trust in your Duty and Obedience, which We have for many Years past found, do hereby give unto you full Power and Authority to assemble and meet together, with all the Speed and Diligence



ligence that a Business of so great a Consequence doth require, and to advise and consult together, by a sufficient and discreet Number, at all Times, Days and Places, which you shall in your Judgment hold most convenient and material for the ordering, settling and effecting of this great Work, mentioned and directed to you in Our Letters, and to use all Politick Ways and Means possibly to possess your selves, for Our Use and Safety of all the Forts, Castles, and Places of Strength and Defence within the said Kingdom, except the Places, Persons and Estates of Our Loyal and Loving Subjects the Scots: And also, to arrest and seize the Goods, Estates and Persons, of all the English Protestants within the said Kingdom, to Our Use; and in your Care and speedy Performance of this Our Will and Pleasure, We shall perceive your wonted Duty and Allegiance unto Us, which We shall acknowledge and reward in due Time. Witness Our Self at Edingburgh, the 1st Day of October, in the 17th Year of Our Reign.

These, and the like false, seditious and traiterous Reports and Pretensions of the Rebels, occasioned the Lords-Justices and Council of the Kingdom of *Ireland*, to set forth this following Proclamation.

### By the Lords-Justices and Council.

*William Parsons, Jo. Borlase.*

**W**HEREAS We the Lords-Justices and Council have lately found, That there was a most disloyal, wicked and detestable Conspiracy intended and plotted against the Lives of Us, the Lords-Justices and Council, and many others of his Majesty's faithful Subjects, especially in *Ulster*, and the Borders thereof: And for the surprizing not only his Majesty's Castle of *Dublin*, his Majesty's Principal Fort; but also of other Fortifications in several Parts; and although by the great and abundant Mercy of Almighty God to his Majesty, and to this State and Kingdom, these wicked Conspiracies are brought to Light, and some of the Conspirators committed to the Castle of *Dublin* by Us, by his Majesty's Authority, so as those wicked and damnable Plots have not taken effect in the chief Parts thereof: Yet some of those wicked Malefactors have surprized some of his Majesty's Forts and Garrisons in the *North of Ireland*; slain divers of his Majesty's good Subjects, imprisoned some, robbed and spoiled very many others, and continue yet in those rebellious Courses, against whom therefore some of his Majesty's Forces are now marching to fight against them and subdue them, thereby to render Safety to his Majesty's faithful Subjects. And whereas, to colour and countenance these their wicked Intendments and Acts, and in hope to gain the more Numbers and Reputation to themselves and their Proceedings in the Opinion of the ignorant common People; those Conspirators have yet gone further, and to their other High Crimes and Offences, have added this further Wickedness, even to traduce the Crown and State as well of *England* as *Ireland*, by false Seditions and scandalous Reports, and Rumours spread abroad by them: We therefore to vindicate the Crown and State of both Kingdoms from those false and wicked Calumnies, do hereby in his Majesty's Name publish and declare, That the said Reports so spread abroad by those wicked Persons, are most False, Wicked and Trayterous, and that We have full Power and Authority from his Majesty to Prosecute and Subdue those Rebels and Traytors, which now We are doing accordingly by the Power and Strength of his Majesty's Army, and with the Assistance of his Majesty's good and loyal Subjects, We no ways doubt but all his Majesty's good and faithful Subjects will give Faith and Credit to Us, who have the Honour to be trusted by his Majesty so

17 Car.

A Proclamation against the Calumny of the Rebels Pretence of acting by the King's Commission, Octob. 30th. 1641.



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highly, as to serve him in the Government of this his Kingdom, rather than to the vain, idle, and wicked Reports of such lewd and wicked Conspirators, who spread those false and seditious Rumours, hoping to seduce a great Number to their Party. And as we now believe, that some who have joined themselves with these Conspirators, had no hand in contriving or plotting the Mischiefs intended, but under the Pretence of these seditious Scandals, were deluded by those Conspirators; and so are now become ignorantly involved in their Guilts, so in Favour and Mercy to those so deluded, We hereby charge and command them in his Majesty's Name now from us to take Light to guide them from that Darkness into which they are misled, by the wicked Seducement of those Conspirators, and to depart from them, and from their wicked Counsels and Actions, and according to the Duty of Loyal Subjects, to submit themselves to his Sacred Majesty, and to his Royal Authority intrusted with us; but in Case those Persons which were no Plotters nor Contrivers of the said Treason, but were seduced to join with them as aforesaid, lay not hold of this his Majesty's Grace and Favour now rendred unto them: Then we do by this Proclamation publish and declare, that they shall hereafter be reputed and taken equally guilty with the said Plotters and Contrivers, and as incapable of Favour and Mercy as they are.

*Given at His Majesty's Castle of Dublin, the 30th of October, 1641.*

La. Dublin.

R. Ranelagh.

Ant. Midenfis.

John Rophoe.

R. Dillon.

J. Temple.

P. Crosby.

James Ware.

Robert Merideth.

The Reason and Design of their pretending such a Commission, will appear from their own Acknowledgment, attested by a Reverend Witness.

**Part of the Deposition of Robert Maxwell, Dr. of Divinity,** (and afterwards Bishop of *Kilmore*) Deposed Aug. 22, 1642. which is recited at large in the Appendix to the History of the Execrable *Irish* Rebellion, Fol. 126.

Part of Dr.  
Maxwell's  
Deposition.

**AND** this Deponent further saith, That he demanded why sometimes they pretended a Commission from the King, at other times from the Queen, since all wise Men knew that the King would not grant a Commission against himself, and the Queen could not? They being Commanders and Friars, said, That it was Lawful for them to pretend what they could in Advancement of their Cause. That many Garrison Soldiers (now their Prisoners, whom they determined to employ in the War, and to train others) would not serve them in regard of their Oath, unless they were made so to believe. That in all Wars, Rumours and Lyes served many times to as good purpose as Arms, and that they would not disclaim any Advantage. But they said, for the Queen (in regard as a Catholick she had Enemies enough already) they would command their Priests publicly (at Mass) to discharge the People from speaking of her as a Cause or Abetter of the present Troubles.

How they  
Counterfeit-  
ed the Seal.

M.S. written  
by the Earl of  
Clarendon.

The manner of their fixing the Seal to this Counterfeit Commission, I find to be mentioned in a Manuscript, affirmed to be written by *Edward* late Earl of *Clarendon*, treating of that Rebellion in these Words. 'One Circumstance of unhappy and impious Policy must not be forgotten, by which the bold Authors of that unnatural War, in the first Entrance into it, promised



promised to themselves notable Advantages; and which in truth, as most of the Policies of that kind, brought unspeakable Misery and Devastation upon that Nation: For the better seducing the People, who, having lived so long in Peace and Amity with the *English*, were not without some Reverence to that Government; and so could not in plain and direct Terms be easily led into an avowed Rebellion against their King, they not only declared, and with great Skill and Industry published throughout the Kingdom, That they took Arms for the King, and the Defence of his Lawful Prerogative, against the Puritanical Parliament of *England*; which they said invaded it in many Parts, and that what they did was by his Majesty's Approbation and Authority: And to gain Credit to that Fiction, they produc'd and shew'd a *Commission*, to which they had fasten'd an Impression of the *Great Seal*, which they had *taken off* from some Grant or Patent, which had regularly and legally pass'd the Seal; and so it was not difficult to perswade weak and unexperienc'd Persons to believe that it was a *true Seal*, and *real Commission* from the King. And by this fatal Stratagem, they cast so odious an Imputation upon the King, and upon those Persons who were worthily nearest him in his Affection and Councils. That the Seditious Party in *England*, who were then contriving all the Mischief they afterwards brought to pass, used all their Arts to propagate those horrid Calumnies, and to infuse into the Hearts of the People an Irreverence and Jealousie of the King, Queen, and those nearest in Trust to either of them; so that his Majesty was even compell'd for his own Vindication, and least he might be thought too faint a Prosecutor of an Enemy, whose Insurrection, it was said, he himself had fomented, to commit the whole Management of that War to the two Houses of Parliament; and they having obtain'd this Power, interested and trusted such Members of their own Body with the ordering and directing of the same, as were resolv'd with most Passion, Uncharitableness and Violence to prosecute that whole Nation; and the Religion that was most generally exercised there: And by this means all Persons who were to conduct both the Civil and Military Affairs in *Ireland*, were drawn to a Dependence upon the two Houses of Parliament at *Westminster*. All Officers and Commanders for that War were nominated and approv'd by them; all Monies rais'd for that Service, was issu'd and dispos'd only by their Orders; from whence it came to pass, that they who craftily intended to derive a Support and Countenance to themselves, by using the King's Name to Purposes which he abhorr'd, foolishly thereby defrauded and depriv'd themselves of that Protection and Mercy which his Majesty might have vouchsafed to them for their Reduction and Preservation, &c.—— Thus that noble Pen.

I shall here add his Majesty's own Words concerning this Matter, as I find them in Εἰκὼν Βασιλέως.

*Upon the Rebellion and Troubles in Ireland, his Majesty thus expresses himself.*

THE Commotions in *Ireland* were so sudden and so violent, that it was hard at first, either to discern the Rise, or apply a Remedy to that precipitant Rebellion.

Indeed, that Sea of Blood that hath there been cruelly and barbarously shed, is enough to drown any Man in Eternal both Infamy and Misery, whom God shall find the malicious Author or Instigator of its Effusion.

It fell out as a most unhappy Advantage to some Mens Malice against



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me, that when they had Impudence enough to lay any thing to my Charge, this bloody Opportunity should be offered them, with which I must be aspersed, although there was nothing which could be more abhorred by me, being so full of Sin against God, Disloyalty to my Self, and Destructive to my Subjects.

Some Men took it very ill not to be believed, when they affirmed, That what the *Irish* Rebels did, was done with my privity, at least, if not by *my Commission*; but these knew too well, that it is no news for some of my Subjects to fight not only without my Commission, but *against* my Command and Person too, yet all the while to pretend they fight by my Authority, and for my Safety.

### Ireland, 1641, 1642, &c.

An Abstract of some Depositions, shewing that the *Irish* designed to alter the Government of *Ireland*, into the Hands of an *Irish* Governour, to Reign over them.

**G**Eorge Cooke of Liffignie (inter cætera) deposeth, That one Tirlagh O Gowne, alias Smith, a Popish Priest, said, That the Papists would have their Churches, Lands, and Kingdom to themselves, from the English, and be no more Slaves to the English, as they had been, or else they would lose their Lives.

Richard Colley, of the Parish of Kinnallie (inter alia) deposeth, That Bryan O Cormaik, of Disternam, and other Rebels, said, They would never submit to any Englishman.

Thomas Magill, Clerk, deposeth, That Collogh, Mac-Bryan, Mac-Mahowne, and several other Rebels, said, That they would not be subject to any Parliaments in England, and that they would have none to Govern over them but a born Irishman.

Matthew Browne of Cloniss, Gentleman, deposeth, That he heard Peter Bath say, That they looked to have the King to put out the Words Defender of the Faith, for none was Supreme of the Church, and Defender of the Faith, but the Pope.

Richard Whirton of Kilvane, (inter cæt.) deposeth, That Luke Birne of Kilvane, said, He would have their Religion flourish, no Thanks to the King.

Edward Deasclye, (inter cæt.) deposeth, That Luke Toole and Luke Birne, offered a Pass to this Examinant, which they said would be better than the King's Pass.

Thomas Taylor of Kilmore, (inter cæt.) deposeth, That he heard Mulmore Okely say, That if the said Deponent would deny the King, he should speed as they did.

William Wright of Culmonyn, (inter cæt.) deposeth, That John Good of Clonay Sawne, and Dermot Mac-Phelmi, said, That they hoped to have all Protestants hanged within one Fortnight, and him that did protect them.

Richard Knowles of Newtowne, (inter alia) deposeth, That Rory Magwire, Richard Nugent, Donogh Magwire, by whose means he was robbed, some of the said Robbers said, That they had a King of their own in Ireland.

Nicholas Michaell of Farnam, (inter cæt.) deposeth, That he heard the Parties that robbed him say, They had an Irish King amongst them, and they regarded not King Charles the King of England.

Robert Barton of Newtowne, (inter cæt.) deposeth, That some of the Rebels said, They had a new King, and had Commission from him for what they did.

Thomas



Thomas Middlebrooke, (inter cæt.) *deposeth*, About the 26th of October last past, he heard one Cahell-Boy, Mac-Demot of Kilrout, say, That within one Fortnight they should have a new King of Ireland Crowned, one of the O Neals, or Words to that effect.

Avis Brashaw, (inter cæt.) *deposeth*, That she heard the abovesaid Cahell Boy say the same, or Words to that effect.

Alice Champin, the Relict of Arthur Champin, (inter cæt.) *deposeth*, That she heard the rebellious Irish say, That Sir Phelim O Neale should be King of Ireland, and that they would give a great Sum of Money, on Condition they had our Gracious King Charles his Head.

Elizabeth Gough *deposeth*, That Cahir Okelay, and Thomas Mac-Encourr said, They proposed to have a King of their own, and that Sir Phelim O Neale should be he.

John Gregg of Clovenedan, (inter cæt.) *deposeth*, That Captain Shaue O Neale, stiled Sir Phelim O Neale, his Majesty.

Martha Clume *deposeth*, That one Art Mac-Patrick, Mac-Toole Boy, Mac-Mahowne, speaking to her in Irish, she desired him to deliver himself in English, for she understood not Irish, who answered her in English, That such as spoke in English should pay 10 Shillings to the King; and the Deponent demanding of him what King, he answered, What King but the Earl of Tyrone.

Hugh Clume *deposeth*, That he was credibly told, that Art Mac-Mahowne said, That they that spoke English should pay 10 Shillings to the King; the Party to whom it was spoke desiring to know what King, his Answer was, What King but the Earl of Tyrone.

Arne Gill *deposeth*, That Rory Magwire, in the Presence of this Deponent, and a great many of her Neighbours, gave forth, That it was to no Purpose for them to flee to Dublin for Succour, for Dublin was taken by the Lord Magwire, who was to be King of Ireland.

*A Breviate of some of the Cruelties, Murders, &c. committed by the Irish Popish Rebels, upon the Protestants in the Rebellion and Massacre which broke out in that Kingdom, Octob. 23, 1641. attested upon Oath.*

**T**HE following Extract is grounded upon Depositions and Examinations taken upon Oath, by Virtue of Commissions under the Great Seal of Ireland, remaining in the Repositories of Records at Dublin, and some time in the Custody of the Clerk of the Council, to which abundant more Instances, of like kind, might be added from undoubted Proofs or Vouchers, especially if the Examinations of Archdeacon Biss could be recovered; who being, amongst others, impowered about such Examinations, very diligently applied himself thereunto, and took many and large Depositions in the Province of Munster, which 'tis probable would much have enlightned Posterity in this matter; but as he himself afterwards falling into the Hands of the Irish, was by them inhumanly murdered, they expressing that to be the Cause, viz. The Examinations then taken; so also the said Examinations have since, by I know not what ill Luck or Means, been smother'd or lost; but there yet remain Testimonies enough to satisfie any rational Person, and fill him with Horror to review such a frightful and barbarous Scene.

Breviate of  
Popish Irish  
Cruelties.

*The Letter p. referreth to the Page in the Archieves at Dublin,  
now in the Possession of the Clerk of the Council.*



An. 1641.

*The County of Antrim*

**T**HE Rebels confessed to this Deponent, That they had killed in one Morning 954 in this County; and besides them, they supposed they had killed 11 hundred or 12 hundred more in that County. *Dr. Maxwell's Examination, Coun. Armagh. p. 11, 12.*

*The County of Armagh.*

Protestants in Multitudes forced over the Bridge of *Portuedown*, whereby at several times there were drowned in the River of *Bann*, above 1000. *Gertude Carlisle, County Tirone, p. 3. Christian Stanbaw, Co. Armagh, p. 1. Owen Frankland, p. 2. Margaret Bromley, Co. Armagh, p. 1. Rich. Newbeary, Co. Armagh, p. 2. Ellinor Fullerton, Co. Armagh, p. 2. Dr. Maxwell, Co. Armagh, p. 11, 12. Henry Read, Co. Monaghan, p. 1. Eliz. Price, Co. Armagh, p. 1. Jone Constable, Co. Armagh, p. 3. Tho. Green, Co. Armagh, p. 1. William Clerk, Co. Armagh, p. 1. Edw. Saltenstall, Geo. Littlefield, Co. Armagh, p. 3.*

Great Number of Protestants drowned at *Corbridge* and *Kinare*, in the County of *Armagh*. *Dr. Maxwell, Co. Armagh, p. 12. Alexander Creikton, Co. Monaghan, p. 3. William Holland, Co. Monaghan, p. 3.*

*Mr. Fullerton Clerk, Mr. Aubrey, Mr. Gladwich* murther'd in the way towards *Portuedowne*. *William Clark, Co. Armagh, p. 1. Jo. Montgomery, Co. Monaghan.*

Many others murthered, five murthered soon after the beginning of the Rebellion; fifty murthered at *Blackwater Church*. *Margaret Fillis, Christian Stanbaw, Owen Frankland, Anne Smith, Margaret Clerk, Co. Armagh, p. 1.*

Twenty drowned near the Water of *Callon*, and several others murthered. *Ellinor Fullerton, Co. Amagh, p. 2.*

*Mr. William Blundell*, drawn by the Neck in a Rope up and down *Blackwater* at *Charlemont*, to confess Money; and three Weeks after, he, with his Wife and seven Children drowned. Forty-four at several times drowned. A Wife compell'd to hang her own Husband, with several other notorious Murders. *Edward Saltenstall, George Littlefield, Co. Armagh, p. 9.*

*Mr. Robinson* the Minister, his Wife and three Children, and seven more murthered. *Margaret Bromley, Co. Armagh.*

Two and Twenty Protestants put into a Thatch'd House in the Parish of *Kilmore*, and there burnt alive. *Anne Smith, Margaret Clerk, Margaret Fillis, Co. Armagh, p. 1. Christopher Stanbaw, Ellin. Fullerton, Ellin. Patchet, Co. Armagh, p. 2. Jone Constable, Co. Armagh, p. 1, 2. Captain Jer. Perkins, Co. Tirone, p. 9.*

The Lord *Canfield* murthered.

Doctor *Hodges*, with forty-three more murthered within a quarter of a Mile of *Charlemont*. *Elizabeth Price, Co. Armagh, p. 1, 2.*

The Wife of *Arnold Taylor*, great with Child, had her Belly ript up, then drowned. *Eliz. Price, Co. Armagh, p. 8, 9.*

*Thomas Mason* buried alive.

Seventeen Men, Women, and Children, cast into a Bog-pit in the Parish of *Dumcree*, many more murthered. *Tho. Green, Co. Armagh, p. 1.*

Fifteen hundred murthered in three Parishes. Twenty-seven more murther'd, *Mr. Cambel* drown'd. *James Shaw, Co. Armagh, p. 1.*

Three hundred Protestants stript naked, and put into the Church of *Logball*, whereof about a Hundred murtherd within the Church, amongst whom *John Greg* was quarter'd alive; his Quarters thrown into the Face



of *Richard Greg* his Father. The said *Richard* was after there murdered, having received seventeen or eighteen Wounds, after cut into Quarters in this Deponent's (his Wife's) Presence. Such as were not murdered, were turn'd out a begging amongst the *Irish* naked, and into the Cold, most of which were killed by *Irish* Trulls and Children. *Alice Greg*, Co. *Armagh*, p. 1.

17 Car.

**R**OWRY Mac-Guire, upon the 24th of October, 1641, came with his Company into *Liffenkeath*, and desired in a friendly Manner to speak with Master *Midleton*, who had the keeping of the Castle; the first thing he did, as soon as he was entred therein, was to burn the Records of the County, whereof Master *Midleton* was the Keeper, being Clerk of the Peace, which he enforced him to deliver unto him, as likewise One Thousand Pounds he had in his Hands of Sir *William Balfoures*; which as soon as he had, he compell'd the said *Midleton* to bear Mass, and swear never to alter from it; and immediately after caused him, his Wife and Children to be hanged up, and hanged and murdered an hundred Persons besides at least in that Town. These Particulars, and several others are set down at large in a Relation sent by Sir *John Dunbar*, Kt. one of the Justices of the Peace within the County of *Fermanagh*.

**W**illiam Clarke of the County of *Armagh*, Tanner, saith, That he, with a Hundred Men, Women and Children, or thereabouts, were by the Rebels driven like Hogs about six Miles to a River, call'd the Band; In which Place the aforesaid Christians were most barbarously used, by forcing them to go fast with Swords and Pikes, thrusting them into their Sides; and they murdered three by the way, and the rest they drove to the River aforesaid; and there forced them to go upon the Bridge which was cut down, and with their Pikes and Swords, and other Weapons, thrust them down Headlong into the said River, and immediately they perished; and those who assayed to swim to the Shore, the Rebels stood and shot at. Jurat. 7 Jan. 1641.

**E**Lizabeth, the Wife of Captain *Rue Price*, of the Town and County of *Armagh*, deposeth, That five of her Children, together with a hundred and ten other Protestants, out of the Parishes of *Armagh*, *Languale*, and other Places, were sent away with Passes from Sir *Phelim O Neale*, with Promises safely to be convey'd over to their Friends in England: That their Conductor was Captain *Manus O Cane* and his Soldiers, who having brought, or rather driven them like Sheep or Beasts to the Bridge of *Portuedowne*, there forced or threw all those poor Protestants into the Water, together with the Deponents five Children, and then and there drowned most of them: And those who could swim and come to the Shore, they either knocked them on the Head, and so after drowned them, or else shot them to Death in the Water. Jurat. 29 Jan. 1641.

**E**Lizabeth Price deposeth, That when as divers of the English were about to be murdered, and desir'd the Rebels on their Knees to admit them to make their Prayers to God, the Rebels have often, in her the Deponent's hearing, answer'd and said, in *Irish*, Bequeath your Soul to the Devil: and at other Times the Rebels would say, Why should you Pray, your Soul is with the Devil already? And with those Words in their Mouths, would Slaughter and put them to Death. Jurat, ut supra, January 1641.

**J**ohn Cregge in the County of *Armagh*, Yeoman, deposeth, That in the Parish of *Levileigh* there were divers Englishmen cruelly murdered, some twice, some thrice hanged up, and others wounded and left half dead, crying out lamentably for some to come and end their Miseries, by killing them. Jurat. January 7, 1641.



An. 1641.

**A** Nne, the Wife of Mervin Madelly, late of the City of Kilkenny, Gent. sworn and examined, deposeth, That some of the Rebels in Kilkenny aforesaid, struck and beat a poor English Woman until she was forced into a Ditch, where she died; those barbarous Rebels having first ript up her Child of about six Years of Age, and let her Guts run about her heels. Jurat.

**J**AMES Geare, of the County of Monaghan, deposeth, That the Rebels at Clewnis murdered one James Netterville, Proctor to the Minister there, who altho' he was diversly wounded, his Belly ript up, and his Entrails taken out and laid above a yard from him, yet he bled not at all, until they lifted him up and carried him away; at which this Deponent being an Eye Witness, much wondered: and thus barbarously they used him, after they had drawn him to go to Mass with them. Jurat. April 6. 1641.

**P**HILIP Taylor, late of Portuedowne, deposeth, That the Rebels killed a Dyer's Wife at Rosie Trevor, at the Newry, and ript up her Belly, she being great of two Children, and threw her and her Children into a Ditch; and that he, this Deponent, drove away Swine from eating one of the Children. Jurat.

**J**OHn Stubs, of the County of Longford, Gent. deposeth, That he heard by some of the Sheriffs Men, that Henry Mead and his Wife, John Bigel, William Stell and Daniel Stubs, the Deponent's Brother, were put to Death by Lifagh Farrol's and Oliver Fitz-Gerral's Men, who hanged them upon a Windmill, and when they were half dead, they cut them to pieces with their Skeins. Jurat. Novemb. 21. 1641.

**E**LIZABETH Price deposeth, That a great number of poor Protestants, especially of Women and Children, they pricked and stabbed with their Skeins, Pitch-forks and Swords, and would slash, mangle and cut them in their Heads, Breasts, Faces, Arms, and other parts of the Body, but not kill them outright, but leave them wallowing in their Blood, to languish, starve, and pine to Death: and whereas those so mangled, desired them to kill them out of their pain, they would deny it; but sometimes after a day or two, they would dash out their Brains with Stones, or by some other cruel way, which they accounted done as a favour, of which she hath in many particulars been an Eye Witness. Jurat. June 29. 1641.

**W**ILLIAM Parkinson, of Kilkenny, Esq; deposeth, That the Wife of John Harvey told him, that she being at Kilkenny, and being turned to Mass to save her Life, was notwithstanding stript again, together with her Children; and one Purcell, a Butcher, after he had stript her Daughter, of five years of Age, ripped up her Body till her Entrails fell out, whereof she died that night; whereof she complaining to the Mayor of Kilkenny, he bid away with her, and dispatch her; so as not only the Butcher, but many others did beat and wound her, so as she hardly escaped with her Life. Jurat. ut supra. Nov. 21. 1641.

**M**ARY Barlow deposeth, That her Husband being by the Rebels hanged before her Face, she and six Children were stripped stark naked, and turned out a begging in Frost and Snow, by means whereof they were almost starved, having nothing to eat in three Weeks, while they lay in a Cave, but two old Calf-skins, which they beat with Stones, and so eat them, Hair and all, her Children crying out to her rather to go out and be killed by the Rebels, than to starve there. Jurat. One



One hundred and eighty drowned (at twice) at the Bridge at *Callon*: One hundred (some say two hundred) more in a Lough near *Ballimackil-morrogh*. Captain *Anthony Stafford*, Co. *Armagh*, p. 2.

Mr. *Gabriel Constable*, and his Mother, eighty Years old, murdered. *Jone Constable*, Co. *Armagh*, p. 2.

Five hundred murdered at *Armagh*, besides forty eight Families murdered in the Parish of *Killaman*. Captain *John Perkins*, Co. *Tirone*, p. 6. *Anthony Stafford*, Co. *Armagh*, p. 2.

Three had their Brains knock'd out with a Hatchet in the Church of *Benburb*. Eight Women drown'd in a River near the same Church. *Christopher Glover* murdered. *John Parry*, Co. *Armagh*, p. 2.

Lieutenant *Giles Maxwell* (by order from Sir *Phelim O Neil*) was dragg'd out of his Bed, (raving in the height of a burning Fever) driven two Miles, and murdered; his Wife big with Child, stripped stark naked, and drown'd in the *Black-water*, the Child half born. Dr. *Maxwell*, p. 9. Co. *Armagh*. *John Parry*, Co. *Armagh*, p. 3.

Mr. *Starkey* (about one Hundred Years old) and his two Daughters stripped naked, the Daughters forced to support and lead their Father, (he not being able to go of himself) and having gone three quarters of a Mile, were all three drowned in a Turf-pit. Dr. *Maxwell*, Co. *Armagh*, p. 9. Captain *John Perkins*, Co. *Tirone*, p. 6, 7.

#### The County of Caterlagh.

*Richard Lake* hang'd at *Leighlin Bridge*. Sixteen more hang'd nearer that Place. Two murdered near *Caterlaugh*. Two Women hang'd up by the Hair of their Heads all Night; the next Day, being found still alive, they were murdered. *James Shaw*, Co. *Caterlagh*, p. 1.

At or near *Leighlin Bridge*, three Men, with their Wives and Children, murdered. One Woman and her Daughter murdered. A Woman newly delivered of two Children, the one of them had his Brains beaten out against the Stones, and after thrown into the River *Barrow*, the other destroyed. About forty *English* murdered thereabouts. Almost all the *English* about *Gowran* and *Wells*, hanged and murdered. Dame *Anne Butler*, Co. *Caterlagh*, p. 1. *Joseph Wheeler*, Esq; Co. *Kilkenny*. Sir *John Temple*, f. 129.

#### The County of Cavan.

Protestants in great Numbers forced over the Bridge of *Belturbet*, in the County of *Cavan*, and there drowned. *William Worth*, Co. *Cavan*, p. 2. *John Whitson*, Co. *Cavan*. *Arthur Culm*, Esq; Co. *Cavan*, p. 6. *Robert Bennet*, *Richard Smith*, *Jone Killin*.

#### The County of Cork.

*Thomas Lencome*, and his Wife, hang'd at their own Door. *John Selter*, a Miller, cut in pieces hard by *Ross*. *John Carpenter*, and his Wife, hang'd in Mr. *Morgan's* Wood, and their three Children starved in the Place. *Mary Tukesbury* hang'd near thereunto. Mr. *Tamuse*, a Chirurgeon Barber, killed in the Streets of *Ross*, by one *Christopher Cloud*. *Peter Perce* of *Ross* *scarborough*, Co. *Cork*.



An. 1641.

*The County of Donnegal.*

*William Mackenny*, and his Mother in Law, and his Wife, great with Child, murdered, his said Wife having her Belly ripped up, and the Child cut out of the Womb. *Ralph Dutton, Anne Dutton, Co. Donnegal, p. 2.*

*The County of Down.*

Eighty forced to go on the Ice on *Lough Earn*, till they brake the Ice, and were drowned. *Peter Hill, Esq; Co. Down, p. 13, 14.*

*Mr. Tudge*, the Minister of *Newry*, Lieutenant *Trevor*, and his Wife, and twenty four more, (some count fifty) murdered and cut in pieces at the Pass of *Ballonery*. *Peter Hill, Esq; C. Down, p. 13. Elizabeth Pierce, C. Down, p. 1. Captain Henry Smith, C. Down, p. 7. Arthur Macgenis, C. Down, p. 1.*

A Scotsman being driven out of the *Newry*, was knock'd on the Head by the Rebels, yet recovering himself, came naked again into the Town, whereupon the Rebels carried him and his Wife out of Town, cut him all to pieces, and with a Skein ripped up his Wife's Belly, so as a Child dropped out of her Womb. *Owen Frankland of the City of Dublin, Sir John Temple's Hist. p. 96.*

A Dyer's Wife of *Ross Trevor*, was killed at the *Newry*, and her Belly ripped up by the Rebels, (she being great with Child of two Children) who threw her and her Children into a Ditch; and that he, this Depo-  
nent, drove away Swine from eating one of her Children. *Philip Taylor, Co. Armagh, Sir John Temple's Hist. p. 97.*

The Rebels confessed, that Colonel *Bryan O Neil* killed about One Thousand in this County, besides Three Hundred killed at *Killelagh*. *Dr. Maxwell's Examination.*

At *Servagh Bridge*, One Hundred drowned. More 80. More 60. More 50. More 60. Twenty seven Men murdered. *Captain Henry Smith, Co. Down, p. 7.*

*The County of Tipperary.*

Four and twenty *English*, after they had revolted to the Mass, murdered at the *Silver Mines*. *Anne Sherring, C. Tipperary, p. 1. Richard Bourk, C. Fer-*

*managh, p. 3. John Powel, Co. Tipperary, p. 1. William Tims, Co. Tipperary.*  
*James Hooker, Gent.* and *Mr. John Stuckley*, and six more, murdered on *Sir Richard Everet's Land*. *Mr. Richard Walker*, and ten more, hang'd at *Ratbel*. *George Crawford*, and above fifty more, murdered. *Joyce*, a Maid of *Mr. Walker's*, buried alive. *Mr. Carr, Mr. Garter*, and some Eighteen, hang'd and murder'd near *Cashel*. *Mr. Dashwood*, to whom the Rebels gave Quarter, and Convoy to *Michael's Town*, by one *Prender-*  
*gaft-prender*, murder'd on his own Land. *Anne Long, Widow, Co. Tippe-*  
*rary Examination.*

*The County of Tyrone.*

The Murder of *Mr. John Mather*, and *Mr. Blyth*, both Ministers in or near *Dungannon*, tho' *Mr. Blyth* had *Sir Phelim O Neil's* Protection, and sixty Families of the Town of *Dungannon*, murdered. *John Perkins, Esq; Co. Tyrone, p. 1. Anthony Stratford, Co. Armagh, p. 1.*

About Three Hundred murdered in the way to *Colrain*, by direction from *Sir Phelim O Neil*, and *Firlagh*, his Brother. *Idem Perkins, p. 6.*



In and about *Dungannon* three hundred and sixteen murdered. Between *Charlemont* and *Dungannon* above four hundred murdered: Drowned at and in the River of *Benburb*, and *Blackwater* two hundred and six. *Idem, Stratford, p. 1.*

Thirteen murdered one Morning by *Patrick Mac-Crew* of *Dungannon*: Two young Rebels did murder in the County of *Tyrone* one hundred and forty Women and Children: The Wife of *Bryan Relly* of *Loghgall* murdered five and forty with her own Hands. *Idem, Stratford, p. 1.*

At a Mill-pool in the Parish of *Killamon*, were drown'd in one Day three hundred. *Idem, p. 2.*

Eighteen *Scotch* Infants hanged on Clothiers Tenter-Hooks, and one young fat *Scotchman* murdered, and Candles made of his Grease; another *Scotchman's* Belly ripped up, and the end of his small Guts tied to a Tree, then he was drawn about till his Guts were pulled out, that they might try (said they) whether a Dog's or a *Scotchman's* Guts were longest. *Idem, p. 3.*

#### *The County of Wickloe.*

A young Child of a Year and a quarter old, of the Deponents, taken from her Back, thrown and trodden upon, that it died, the Mother and three other Children stripp'd naked, so as the said Children died; this was done upon the Lands of *Bordkillamore*, about the 11th of *November 1641. Anne Hill, Co. Caterlagh, p. 1.*

#### *The Queen's County.*

*John Nicholson* and his Wife murdered by *Florence Fitzpatrick* and his Servants on the Sabbath-Day, the first Deponent hardly escaping Death for burying them; *Elizabeth Baskerville* says, that Mrs. *Fitzpatrick* blamed the Murtherers, because they brought not Mrs. *Nicholson's* Fat for Grease, wherewith she might have made Candles. *Walter Disbcome, q. C. p. 1. Emanuel Beale, q. C. p. 1. Thomas Berry, q. C. p. 1. John Berry, Elizabeth Baskerville q. C. p. 1.*

*Thomas Keyes* (a Justice of Peace of the *Queen's County*) Esq; aged sixty six, and *Thomas Dubbleday* hang'd near *Burrough's Castle*, and *Dubbleday* shot as he was hanging, both being first stripped naked, gored and pricked in several Parts of their Bodies. *Thomas Holt, q. C. p. 1, 2, 3. Elinor Reges, q. C. p. 1. Samuel King, q. C. p. 2.*

*Amy Mamphin's* Husband murdered, and she compelled to stand in his Blood, and she being stripped naked, was drawn by the Hair through Thorns, and after sent away. *Amy Mamphin, q. C. p. 1.*

An *English* Girl half hanged, and so buried. *Joseph Wheeler, Esq; C. Kilkenny, p. 1.*

Six *English* hanged by *Florence Fitzpatrick* after Quarter given, 1641, Lieutenant *Henry Gilbert, q. C. p. 1.*

Near *Kilfeckell*, an *Englishman* and his Wife, and four or five Children hanged by command of Sir *Morgan Kauanaugh*, and Mr. *Robert Harpole*, all afterwards cast into one Hole, the youngest Child, not fully dead, putting up the Hand, and crying *Mammy*, yet buried alive. *William Parkison, Esq; C. Kilkenny, p. 4.*

*Mary Harding* put in the Stocks, and whip'd to Death, and her Husband starv'd to Death by *Florence Fitzpatrick* and his Followers, after they had given him all their Goods on his Promise to relieve them and theirs. *Joan Bidel of Montrab.*



An. 1641.

*The County of Roscommon.*

*William Stewart* had Collops cut off him being alive, Fire-coals put into his Mouth, his Belly ripp'd up, and his Intrails wrapp'd about his Neck and Wrists. *Andrew Adaire, Esq; C. Mayo, p. 6.*

*The County of Sligo.*

Mr. *Thomas Stewart* Merchant, and seven and thirty Protestants put into the Goal of *Sligo*, all except two or three murdered there the same night, by divers breaking in upon them at midnight. *Edward Braxton, C. Sligo, p. 1. Amy Hawksworth, C. Roscommon. Ralph Lambert, C. Galloway, p. 3. Henry Langford, Robert Brown, James Brown, C. Rosc. p. 1, 2, 3. William Welch, C. Sligo, p. 1. John Harrison, Esq; C. Sligo, p. 1. John Goldsmith, Clerk, C. Mayo, p. 8.*

*Elizabeth Beard* was killed in the River by a Frier's Man. *Jane Stewart, C. Sligo, p.* as her Examination before Sir *George Shurly*.

A Frier with some Soldiers undertaking to conduct Mr. *Thomas Walker*, a Minister, his Man, and two Gentlewomen from *Roskerk* to *Abbey-boyle*, the Frier riding away, they fell into an Ambush laid for them, where Mr. *Walker*, being upon his Knees at Prayer, they cleft his Skull to his Mouth, killed his Man, and stripped the Women, one of which was afterwards murder'd at *Ballymoate*. *John Shrewly, Clerk, C. Sligo, p. 1.*

Five and forty Men, Women and Children murdered and destroyed near *Ballysekerry*. *Idem. p. 2.*

Mr. *William Ollifant*, Clerk, stripped half naked at *Temple-house*, and after dragged, with a Rope about his Neck, at a Horse Heels up and down, because he would not turn Papist. Another Minister at the same time murdered, 1641. *Andrew Adaire, C. Mayo, p. 4. Jane Brown, p. 7. John Harrison, Esq; p. 1.*

At *Ardneglas* and *Skreen*, about thirty Protestants, Men, Women and Children, murdered. *Henry Langford, C. Roscommon, p. 3.*

Ten Men, Women and Children buried alive near *Titemple* or *Temple-house*. *Andrew Adaire, Esq; C. Mayo, p. 4.*

In *Sligo* the Rebels forced one *Lewis* the younger to kill his Father, and then they hang'd the Son. *John Rutledge, Sir John Temple's Hist. p. 100.*

Twelve murdered at the *Graige*, one of them, being a Woman great with Child, had her Belly ripp'd up, the Child falling out alive, and a Child of a Year and a half old hang'd, another of them, named *Robert Pyne*, being twice hanged up, was cast into his Grave, where he sat up, saying, *Christ receive my Soul*, and so was buried quick. *Joseph Wheeler, Esq; Co. Kilkenny, p. 5.*

At *Balincolough*, within four miles of *Ross*, April 1642. *John Stone* of the *Graige*, his Sons, his two Sons-in-Law and his two Daughters were hang'd, one of his Daughters being great with Child, had her Belly ripp'd up, her Child taken forth, and such barbarous beastly Actions used to her, as are not fit to be mentioned. *Owen Frankland* of the City of *Dublin*.

*The King's County.*

Mrs. *Jane Addis* of *Kilcoursie*, after her going to Mass, murdered in her House, having a Child not a quarter old, the Murderers putting the dead Woman's Breast into the Child's Mouth, bad it suck, *English Bastard*, and so left it. *Margaret King, King's County, p. 1. James Dowdall, K.C. p. 3. John Wild, C. West Meath, p. 1. Thomas Fleetwood, C. West Meath, p. 5, 6.*



A Woman aged Eighty Years, stripp'd naked in Frost and Snow, by two Daughters of *Rowry Coghlan* of *Fercall Wood*, before whose Door she died. *Henry Ayliff*, K. C. p. 1.

17 Car.

Two and twenty Women, and several Children stripp'd naked, who covering themselves in a House with Straw, the Rebels fired the Straw, and threw it amongst them to burn them; and they had been burned, had they not been rescued by others, who turned them out naked in Frost and Snow, so as many died, yea, the Children died in their Mothers Arms. *Magdalen Redmain*, K. C. p. 1. *Isabel Porter*, alias *Bryan*, K. C. p. 1, 2.

Mr. *William Liston* and Mr. *Thomas Fullerton*, Clerks, kept two Days without Meat or Drink, and then murdered near *Mannor Hamilton*, the 24th of *January*, 1641. *Andrew Adaire*, C. Mayo, p. 6.

An *English* Child taken by the Heels, had its Brains dash'd out against a Block of Timber. *Andrew Adaire*, C. Mayo, p. 6.

#### The County of Longford.

*William Steel* and four others hang'd at a Windmill near to *Rackleen*, till they were half dead, and then cut in pieces by the Rebels. *John Stobbs*, C. Longford, p. 1. *Susanna Steel*, C. Longford, p. 2.

The Wife of *Henry Mead* hang'd, the said *Henry* himself being placed in a Ring amongst the Rebels, each of them stabbing of him as he was forced to fly from side to side, and so continued till his Shoulder and Breast were cut in two with a Bill-hook. *Susanna Steel*, C. Longford, p. 2.

*George Foster*, his Wife and Child, and the Wife of *John Bezell* murdered at *Ballincorr*; one other drowned, some Children there buried alive. *Susanna Steel*, p. 3.

#### The County of Mayo.

A young Boy, Mr. *Montgomery's* Son, killed by one that had been his Schoolmaster, the Boy the while crying, *Good Master do not kill me, but whip me as much as you will*. A Man wounded and buried alive. A Minister murdered after he had gone to Mass. Another hanged near *Ballyhen*. *Idem*. p. 9.

At the *Moyne*, alias *Mogne*, fifty nine Protestants stripp'd naked, and after barbarously murdered: Some increase the Number much. *Thomas Hewet*, C. Mayo, p. 6. *Henry Langford*, C. Roscommon, p. 3.

*William Gibb* and his Wife, both very old, murdered at the *Moyne*. *John Shrewly*, Clerk, Co. Sligo.

One hundred and twenty Men, Women and Children stripp'd naked, and after murdered at *Bellick*, alias *Belleeke*. *Andrew Addire*, Esq; C. Mayo, p. 4, 5.

#### The County of Dublin.

About the 28th of *December*, 1641. the Wife of *Joseph Smithson*, Minister, was carried from *Deansgrange* near *Dublin* to *Stellorgan*, from thence to *Powerscourt*, and there she and her Servant hanged. *Joseph Smithson*, Co. Dublin, p. 1.

Ninety Protestants murdered at *Moneagh Castle*; eighty at *Tullaugh Castle*; near *Cordiller* three hanged; one more hanged. *Joseph Sympson*, Gentleman, C. Fermanagh. *Thomas Wenslow*, C. Fermanagh, p. 1, 2.

Mr. *Middleton* and one hundred more murdered by *Rowry Mac-Guire* at *Castleskeagh*. Sir *John Dunbar's* Relation.

Fourteen Protestants hanged. *Robert Flack*, C. Fermanagh, p. 2, 3.

Fourteen



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Fourteen Protestants in the Parish of *Newtown* murdered. *John Parry*, Co. *Fermanagh*.

Eighteen, some write seventeen, half hanged in the Church of *Clownish*, and so buried. *Mrs. Aldrich*, *Sir John Temple*, Hist. p. 95.

Thirty murdered in the Parish of *Clankelly*. *Hugh Stokes*, Co. *Fermanagh*.

Twelve more murdered in *Newtown*. *Robert French*, Co. *Fermanagh*.

*William Ogden* murdered. *Anne Ogden* his Wife, Co. *Fermanagh*.

*Parson Flack* and forty more, after promise of safe Conveyance to *Balishannon*, drown'd by *Rowry Mac-guire* and his Confederates. *Sir John Dunbar's Relation*.

One hundred fifty and two, another says one hundred, murdered at *Tully*, after Quarter given or promised them. *Robert Aldrich*, Co. *Managh*, p. 1. *Richard Bourk*, Co. *Fermanagh*, p. 1.

Fifteen hang'd at *Lowtherstown*; two murder'd at *Kynally*. *Richard Boulk*, Co. *Fermanagh*, p. 1.

A Child of *Thomas Strattons* of *Newtown*, boil'd to Death in a *Cal-dron*. *Margaret Parkin*, *Elizabeth Bursell*, *Sir John Temple's Hist.* p. 101.

#### The County of Galloway.

Sixty five Protestants, some say eighty, some ninety, many of them Ministers, were murdered at the Bridge of *Shreel* alias *Sbruel*, *Ludovicus Jones* being amongst the rest hurried there to that intent, but escaped and died at *Dublin*, aged 104. *Elizabeth Buchanan*, Co. *Mayo*, p. 1. *Henry Bringhurst*, Co. *Mayo*, p. 2. and Co. *John Goldsmith*, Clerk, p. 6. *Henry Lanford*, *Robert Brown*, *James Brown*, Co. *Roscommon*, p. 3. *Thomas Johnson*, Co. *Mayo*, p. 3. *Andrew Adaire*, Esq; Co. *Mayo*, p. 5. *Thomas Hawet*, Co. *Mayo*, p. 3.

#### The County of Kerry.

*Mrs. Whittell*, her Husband, and eight more murdered on *Sir Valentine Brown's Lands*, *John* and *Simon Heard* kill'd near *Castle-haven*, *Goodman Cranbee's Wife* and Children murdered, seven drown'd by *Daintfaint's Rebels*. *John Heard*, and *Fortune* his Wife, of *Kilarney* in the Co. of *Kerry*.

#### The County of Kilkenny.

About the 20th of *December*, 1641, the Protestants were stripp'd naked at *Kilkenny*, and whereas some of those stripp'd People with Ropes of Straw covered some part of their Nakedness, the Rebels set the Straw on fire, thereby burning and grievously scorching them, six Soldiers and two Boys, having Quarter given them, were nevertheless hanged at *Kilkenny*. *John Maior* of the City of *Kilkenny*, p. 1, 3.

A young Girl stripp'd about *Easter* 1642, in the City of *Kilkenny*, by a Butcher, her Belly ript up that her Intrails fell out, where the Mayor, upon Complaint of the Mother, bad away with her and dispatch her; whereupon the Mother received seventeen or eighteen Wounds, and her other Child was also extreamly wounded, and all forced out of the City by Men, Women, and Boys throwing Stones and Dirt at them, so as the two Children died in a Ditch. *William Parkinson*, Co. *Kilkenny*, p. 4. *James Benn*, City *Kilkenny*, p. 1. 4. *John Maire*, City *Kilkenny*, p. 2, 3. *Anne Madsley*, Co. *Kilkenny*, *Sir John Temple*, Hist. p. 96.

*John Duffield*, of the County of *Armagh*, Gent. deposeth, That the Rebels wounded *John Ward* and *Richard Duffield*, so as they thereof died, and that their Wives, and the said *John's* six Children, being all stript, died of Want



*Want and Cold. And further saith, That many Thousands of Protestants, Men, Women, and Children, being stripped of their Cloaths, died also of Cold and Want, in several Parts of the Country. Jurat. Aug. 9. 1642.*

17 Car.

**A** Dam Clover deposeth, That he saw upon the Highway, a Woman left by the Rebels, stripped to her Smock, set upon by three Women, and some Children being Irish, who miserably rent and tore the said poor English Woman, and stripped her of her Smock, in a bitter Frost and Snow, so that she fell in Labour in their hands; and both she and her Child died there. Jurat. 4 Jan. 1641.

**J**ane, the Wife of Gabriel Constable, late of Drumcad in the County of Armagh, Gent. sworn and examined, saith, That her Husband and his Mother, about 88 Years old, and his Brother, being murdered by the Rebels in the Parish of Kilmore, a great number of Protestants were, about Candlemas, 1641. by the means and instigation of Joane Hamskin, formerly a Protestant, but a meer Irish Woman, and lately turned to Mass, and of divers other, her Assistants, forced and thrust into a thatch'd House, within the Parish of Kilmore, and then and there, the Protestants being almost naked, covered with Rags only, the same House was, by that bloody Woman and her barbarous Assistants, set on Fire, in several Parts thereof, the poor imprisoned Parties (who were by armed Parties kept there locked in) were miserably burned to death; and at length the House fell upon them, and the combustible part of the House being consumed, before the Bodies of all those miserable Wretches were burned to ashes, the Bodies of many of them lay there in holes, to the great terror of the beholders, that were Protestants; three only escaped out of a hole in the House, and the rest that attempted to escape the Flames, were then and there forced and thrown in again, and so burned to death. Jur. 16 June, 1642.

**T**homas Green, in the Parish of Dumeres, in the County of Armagh, Yeoman, and Elizabeth, his Wife, sworn and examined, saith, That the Deponent Tho. Green, hardly escaped away with his Life, but that the other Deponent, and six Children, were all left among the Rebels, and so stripped of their Cloaths, and Hunger starved, that five of the Children died; and she, this Deponent, being put to beg among the merciless Rebels, was at length rescued from them by the Scottish Army. She further saith, That the Rebels did throw in a Bog 17 Men, Women and Children, at one time, within the said Parish: And she is verily persuaded, that the Rebels, at several Times and Places, within the County of Armagh, drowned above 4000 Protestants, enforcing the Sons and Daughters of those very aged People, who were not able to go themselves, to take them out of their Beds and Houses, and to carry them to drowning; especially in the River of Toll in the Parish of Loughall. Jurat. Nov. 10. 1643.

**J**ohn Clarke of Knockback, Gent. deposeth, That he heard credibly from Mr. Lighthoun, Minister of the Naas, that the Rebels shot a Parish Clerk, near Kildare, thro' both his Thighs, and afterwards digged a deep hole in the Ground, wherein they set him upright on his Feet, and filled up the hole in the Earth, leaving out only his Head; in which state and posture they left the poor wounded Man, till he pined, languished, and so died. Jurat. 24 Octob. 1643.

**C**hristian Stanhaw, the Relict of Henry Stanhaw, late of the County of Armagh, Esq; deposeth, That a Woman that formerly lived near Loughale, absolutely informed this Deponent, that the Rebels enforced a great number of Protestants, Men, Women and Children, into a House, which they set on Fire purposely to burn them, as they did; and still as any of them offered to come out, to shun the Fire, the wicked Rebels, with Scythes which they



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they had in their hands, cut them in pieces, and cast them into the Fire, and burned them with the rest. Jurat. 23 July, 1642.

**E**dward Salinstale deposeth, That the Rebels killed William Loverden when he was naked, his Wife and Children looking on, and cutting off his Head, held it up to his Wife and Children; and his sorrowful Wife taking his Corps, and burying it in a Garden, Patrick O Dally, a Rebel, took it up, and threw it into a Ditch. Jurat. ut supra.

**T**homas Green, and Elizabeth his Wife, depose, That the Rebels, at several times, murdered, killed, and destroyed the most part of the Protestants in the Parish of Dumeres, being about 300; and indeed, most of the Protestants in all the County thereabouts, did they kill and destroy, by drowning, hanging, burning, the Sword, starving, and other Deaths, exposing their slaughter'd Bodies to be devoured by Dogs, Swine, and other ravenous Creatures. And this Deponent, Elizabeth, saw the Dogs feed upon those dead Carcasses. Jurat. Nov. 10. 1643.

**A**rthur Agmoughty deposeth, That during the Siege of Castle Forbez, the Rebels killed poor Children, that went out to eat Weeds or Grass; and that a poor Woman, whose Husband was taken by the Rebels, went to them with two Children at her Feet, and one other at her Breast, hoping to beg her Husband's Life; but they slew her, and her sucking Child, broke the Neck of another of her Children, and the third hardly escaped. Jurat. Sept. 23. 1643.

**J**ane, the Relict of Gabriel Constable, deposeth, That the Rebels half killed one Ellen Millington, and then put her into a dry Hole, and made her fast in with Stones, whereof she languished and died. The Rebels bragged, how many of them went to see her kick and toss in the Hole, her Husband being formerly murdered by the Rebels. Jurat. ut supra.

**E**lizabeth Champion deposeth, That when the Rebels had set the Castle of Lisgoole on fire, upon the Protestants there enclosed, and saw the said House so burning, they said among themselves rejoicingly, Oh, how sweetly do they fry. Jurat. ut supra.

**A**lexander Creighton, of Glaslough in the County of Monaghan, Gent. deposeth, That he heard it credibly reported, among the Rebels aforesaid, at Glaslough, that Hugh Mac O Degan, a Priest, had done a most meritorious Act, in drawing betwixt 40 and 50 English and Scots, in the Parish of Ganalley, in the County of Fermanagh, to Reconciliation with the Church of Rome, and after giving them the Sacrament, demanded of them, whether Christ's Body was really in the Sacrament or no; and they said, yea. And that he demanded of them further, whether they held the Pope to be Supream Head of the Church; they likewise answered, he was. And that thereupon, presently told them, they were in a good Faith, and for fear they should fall from it, and turn Hereticks, he, and the rest that were with him, cut all their Throats. Jurat. March 1. 1641.

*The Examination of Anne, the late Wife of John Sherring, late of the Territory of Ormond, near the Silver-works, in the County of Tipperary, aged about 25 Years, sworn and examined, deposeth and saith,*

**T**hat about Candlemas was two Years, the said John Sherring, her then Husband, going from his Farm, which he had held from John Kenedy, Esq; near to the Silver-works, one Hugh Kenedy, one of the Brothers



others of the said *John Kenedy*, a cruel Rebel, together with a great multitude of *Irish* rebellious Soldiers, then and there fiercely assaulted, and set upon her said Husband, and upon one *William Brock*, *William Laughlin*, *Tho. Collop*, and eight more *English* Protestant Men, and about ten Women, and upon some Children in their Company, and then and there stript them of their Cloaths; and then with Stones, Pole-Axes, Skeins, Swords, Pikes, Darts, and other Weapons, most barbarously massacred and murdered her said Husband, and all those Protestant Men, Women, and Children. In the Time of which Massacre, a most loud and fearful Noise, and Storm of Thunder, Lightning, Wind, Hail-Stones, and Rain, began; the Time being on a Sabbath-Day, an Hour before Night.

17 Caroli

*The Examination of Jane, the Wife of Thomas Steward, late of the Town and County of Sligo, Merchant, Sworn and Examined before His Majesty's Commissioners in that behalf: Authorised, deposeth and saith.*

Province of  
Canaugh.

**T**HAT after the present Rebellion was begun (*viz*) about the beginning of *December*, 1641. her said Husband living as a Merchant in the Town aforesaid, with her this Deponent, as for twenty six Years he had done, in very good Estate and Condition; and having continually furnished the Inhabitants of that Part thereabouts, with all sorts of Wares and Merchandize; and by that Course having acquired and gained to himself an Estate of good Value. He the said *Thomas Steward*, and she this Deponent then possessing that Estate were then at *Sligo* aforesaid, by *Andrew Crene* of *Sligo*, Esq; then High Sheriff of that County. *Neil O Hart* of *Donelly* in the said County, Gentleman, *Roger O Conner* of *Skarden* in the same County, Gentleman, *Donnel O Conner* of      Gentleman, Brother-in-Law to *Peige O Conner* *Sligo*, *Richard O Crean* of *Tirrerragh*, Gentleman, *John O Crean*, Esq; and a Justice of Peace, Son to the said *Andrew Crean*, *Anthony Screane*, of      near *Bally-Shanny*, Gent. forcibly deprived, robbed and dispoiled of their Household Goods, Wares, Merchandize, Specialties, Cattle, Horses, Plate, Money, and other Goods and Chattles of the value of 1200 *l. Rterling*, or thereabouts; which Robbery and Outrage was committed in or about the beginning of *December* aforesaid, at the very time of the Rebels surprizing, robbing and pillaging of all the *English* and *Scots* of the Town of *Sligo*.

*Captain Anthony Stratford*, of *Charlemont*, in the County of *Armagh*, Esq; aged *Threescore Years*, or thereabouts, Sworn and Examined before His Majesty's Commissioners, by virtue of a Commission in that behalf; directed under the Great Seal of Ireland, deposeth and saith,

**T**HAT these Protestant Ministers following, in the present Rebellion, were murder'd in the Counties of *Tyrone*, *Armagh*, (*viz.*) Mr. *John Mathews*, Mr. *Blyth*, Mr. *Hastings*, Mr. *Smith*, Mr. *Durragh*, Mr. *Birge*, and eight more, whose Names this Deponent hath forgotten, by the Rebels, none of which would the Rebels permit to be buried. The Names of such as were murder'd this Examinant knoweth not; his cause of Knowledge of the said Murthers is, that some of this his Deponent's Servants, who were among the Rebels, did give him the Relation; and he verily believeth them; and besides this Deponent heard the same confessed and averred by many of the Rebels themselves, and by some of those Protestants that had escaped: And that he this Deponent was a Prisoner among the Rebels, at *Castle Canfield*, near the Place of those murdered, where he



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continued fourteen Months. And further saith, that in *Dungannon*, in the County of *Tyrone*, or near thereunto, the Rebels murdered three hundred and sixteen Protestants, and between *Charlemont* and *Dungannon*, above four hundred that were murdered and drowned, at, and in the River by *Benburgh*, the *Black-water*, between the Counties of *Armagh* and *Tyrone*, two hundred and six Protestants. And *Patrick Mac Crew*, of *Dungannon* aforesaid, murdered thirty one in one Morning; and two young Rebels (*viz.*) *John Beg*, *Brian Harie*, murdered in the said County of *Tyrone*, one hundred and forty poor Women and Children that could make no Resistance: And that the Wife of *Brian Kelly* of *Loghall*, in the County of *Armagh* (one of the Rebels Captains) who did with his own Hands murder forty five. And this Deponent further saith, that one *Thomas King*, sometimes Serjeant to the late Lord *Caulfield's* Company (which this Deponent commanded) he being enforced to serve under the Rebels, and was one of their Provost Marshals, gave the Deponent a List of every Householder's Name so murdered, and the Number of the Persons so murdered, which List this Deponent durst not keep. At *Portuadowne*, there were drowned at several Times about three hundred and eight, who were sent away by about forty or such like Number at once with Convoys, and there drowned. There was a *Lough* near *Loghall* aforesaid, where were drowned above two hundred; of which this Deponent was informed by several Persons, and particularly by the Wife of *Dr. Hodges*, and two of her Sons who were present, and designed for the like end; but by God's Mercy, that gave them Favour in the Eyes of some of the Rebels they escaped; and the said *Mrs. Hodges* and her Sons gave the Deponents a List of the Names of many of those that were so drowned; which the Deponent durst not keep; and saith, that the said Doctor *Hodges* was employed by the said *Sir Phelim O Neale* to make Powder, but he failing of his Undertaking, was first half hanged, then cut down, and kept Prisoner three Months, and then murdered, with forty four more, within a quarter of a Mile of *Charlemont* aforesaid, (they being by *Tirlogh Oge O Neile*, Brother to *Sir Phelim*, sent to *Dungannon* Prisoners, and in the Way murdered.) This Deponent was shewed the Pit where they all were cast in.

At a Mill-Pond in the Parish of *Killamen*, in the County of *Tyrone*; there were drowned in one Day three hundred, and in the same Parish there were murdered of *English* and *Scots*, twelve hundred, as this Deponent was informed by *Mr. Birge*, the late Minister of the said Parish, who certified the same under his Hand; which Note the Deponent durst not keep: The said *Mr. Birge* was murdered three Months after: All which Murders were in the first breaking out of the Rebellion, but the particular Times this Deponent cannot remember, neither the Persons by whom they were committed. This Deponent was credibly informed by the said Serjeant, and other of this Deponent's Servants, (who kept Company with the Rebels at the same time) that many young Children were cut into Pieces and Gobbets by the Rebels; and that eighteen *Scottish* Infants were hanged on a Colthiers Tenter-Hooks, and that they murdered a young, fat *Scotchman*, and made Candles of his Grease: They took another *Scotchman* and ript up his Belly, that they might come to his small Guts, the one End whereof they tied to a Tree, and made him go round until they had drawn them all out of his Body; they then saying, that they would try whether a Dog's or *Scotchman's* Guts were the longer.

Deposed March 9. 1643. before us  
Henry Jones, Henry Brereton.

Anthony Stratford.



*The Examination of Robert Maxwell, Clerk, Arch-Deacon of Downe, Sworn and Examined, deposeth and saith, Inter alia,*

17 Caroli.  
Province of  
Ulster.

**T**HAT by Command from Sir *Phelim O Neal*, the Rebels dragged the Deponent's Brother, Lieutenant *James Maxwell*, out of his Bed, in the Rage and Height of a burning Fever; and least any of his Acquaintance and Friends should bury him, they carried him two Miles from any Church, and there cruelly butchered him, when he neither knew what he did or said: And thus Sir *Phelim* paid him 260 *l.* which he owed him; and his Wife *Griswell Maxwell* being in Child-birth, the Child half born and half unborn, they stript stark naked, drove her about an Arows flight to the *Black-water*, and drowned her: The like they did to another *English* Woman in the same Parish, in the beginning of the Rebellion, which was little inferior, if not more unnatural and barbarous than the roasting of Mr. *Watson* alive, after they had cut a Collop out of either Buttock. And further saith, that a *Scottish* Woman was found in the *Glin-wood*, lying dead, her Belly ripped up, and a living Child crawling in her Womb, cut out of the Cawle; and that Mr. *Starkey*, Schoolmaster at *Armagh*, a Gentleman of good Parentage and Parts, being upwards of an hundred Years of Age, they stript naked, and caused two of his Daughters, Virgins, being likewise naked, to support him under each Arm, he being not able to go of himself; and in that Posture carried them all three a quarter of a Mile to a *Turf-Pit*, and drowned them, feeding the Lusts of their Eyes, and the Cruelty of their Hearts, with the self-same Objects at the same time. At the Siege of *Augher*, they would not kill any *English* Beast and then eat it, but they cut Collops out of them being alive, letting them roar till they had no Flesh upon their Backs; so that sometimes a Beast would live two or three Days together in that Torment: The like they did at *Armagh*.

*The Examination of Dame Anne Butler, Wife unto Sir Thomas Butler of Rathealin, in the County of Catherlagh, Knight, duly Sworn, deposeth,*

Province of  
Lemster.

**T**HAT after *Walter Bagnall* of *Dunlikny*, in the County of *Catherlagh*, Esquire, and *Walter Butler*, with a great number of Men, had in a violent manner entred this Deponent's House, they not being able to resist, they set a strict Guard over this Deponent, her Husband and Family, and brought them from their settled Dwelling unto *Loghlin* Bridge, where they kept her self, and Husband, and Children in Restraint for two Weeks; and from thence conveyed them with strict Guard to the Town of *Kilkenny*: And there they were brought before the Lord *Mount Garrot*, where *Walter Bagnall* and *James Butler*, Brother to the Lord *Mount Garrot*, did use all means possible to move the said Lord to put this Deponent, her Husband and Family to Death and Torture, alledging that they were rank Puritan Protestants, and desperately provoking, used these Words, saying, *There's but one way, we or they*; meaning Papists or Protestants must perish. To which malicious Provocation the said Lord did not hearken. And this Deponent further deposeth, That *Walter Bagnall*, with his rebellious Company, apprehended *Richard Lake*, an *English* Protestant and his Servants, with his Wife and four Children; and one *Richard Taylor*, of *Loghlin* Bridge, his Wife and Children;



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Children: An *English* Woman, called *Jone* and her Daughter: And was credibly informed by *Dorothy Renals*, who had several times been an Eye-witness of these lamentable Spectacles, that she had seen to the Number of thirty five *English* going to Execution, and that she had seen them when they were executed, their Bodies exposed to devouring Ravens, and not afforded so much as a Burial. Another *English* Woman who was newly delivered of two Children in one Birth, they violently compelled in her great Pain and Sicknes to rise from her Child-bed, and took the Infant that was left alive, and dashed its Brains against the Stones, and after threw it into the River of the *Barrow*; and having a Piece of Salmon to Dinner, Mr. *Brian Cavanagh's* Wife being with her, she the said Mrs. *Cavanagh* refused to eat any part of the Salmon, and being demanded the Reason, she said she would never eat any Fish that came out of the *Barrow*, because she had seen several Infants Bodies, and other Carcasses of the *English* taken up in the *Wear*.

And this Deponent saith, That Sir *Edward Butler* did credibly inform her, that *James Butler* of *Finnyhinch*, had hanged and put to Death all the *English* that were at *Gorane* and *Wells*, and all thereabouts.

And further deposeth, that she being in *Kilkenny* a Prisoner in restraint, and having Intelligence that some of her own Cattle were brought thither by *Walter Bagnall*, she Petitioned (being in great Extremity) to the Lord of *Mount Garrot*, to procure her some of her own Cattle for her Relief; whereupon he recommended her Suit to the Mayor and Corporation of *Kilkenny*, who concluded because she and her Family were Protestants, and would not turn to Mass, they should have no Relief. *Jane Jones*, Servant to the Deponent, did see the *English*, formerly specified, going to their Execution, and as she conceived, they were about the Number of thirty five, and was told by *Elizabeth Homes*, that there were forty gone to Execution.

Jurat 7. September, 1642.  
John Watson.

Anne Butler.

**K**atherine, the Relict of *William Coke*, late of the County of *Armagh*, Carpenter, Sworn and Examined, saith, That about the twentieth of *December*, 1641. a great Number of Rebels in that County, did most barbarously drown at that time an hundred and eighty Protestants, Men, Women and Children, in the River, at the Bridge of *Portuedowne*, and that about nine Days afterwards she saw a Vision, or Spirit, in the Shape of a Man, as she apprehended, that appeared in that River, in the Place of the drowning, bolt upright, Breast high, with Hands lifted up, and stood in that Posture there until the latter end of *Lent* next following; about which time, some of the *English* Army marching in those Parts, whereof her Husband was one (as he and they confidently affirmed to this Deponent) saw that Spirit, or Vision, standing upright, and in the Posture aforementioned; but after that time the said Spirit, or Vision, vanished, and appeared no more that she knoweth: And she heard, but saw not, that there were other Visions and Apparitions, and much Shrieking, and strange Noise heard in that River at Times afterwards.

**E**lizabeth, the Wife of Captain *Rice Price*, of *Armagh*, deposeth and saith, That she and other Women, whose Husbands were murdered, hearing of divers Apparitions and Visions which were seen near *Portuedowne* Bridge, since the drowning of her Children, and the rest of the Protestants there, went unto the Bridge aforesaid, about Twilight in the Even-



ing, and that then and thereupon, on a sudden, there appeared unto them a Vision, or Spirit, assuming the Shape of a Woman naked, with elevated and closed Hands, her Hair hanging down, very white, her Eyes seemed to twinkle, and her Skin as white as Snow; which Spirit seemed to stand strait upright in the Water, often repeating the Word, *Revenge, Revenge, Revenge*; whereat this Deponent and the rest, being put into a strong Amazement and Affright, walked from the Place. *Jurat. 29 Jan. 1642.*

**E**lizabeth Price, the Wife of Michael Price, of the Newry, deposeth, That Sir John Mac-Gennis suffered his Soldiers the Rebels, to kill Mr. Turge, Minister of the Newry, and several other Protestants; and he the said Sir John Mac-Gennis, on his Death-bed was so much affrighted with Apprehension that the said Mr. Turge so slain, was still in his Presence, as that he commanded no Protestant from that time should be slain, but what should be killed in Battle; and after his Death, Sir Con Mac-Gennis his Brother would have observed his Directions, but one John Mac-Gennis, young Lord of Evagh, and Monk Crely, were earnest to have all the rest of the Protestants put to Death.

We now return to other Transactions in the Month of November, 1641.

**T**HE House of Commons this Day proceeded to read the Papers sent up by the Committee in Scotland, containing the Depositions taken in that Kingdom, concerning the Plot against the Lives of Marquess Hamilton, the Earl of Argyle, and the Earl of Lanerick (the Marquess's Brother.) The first Examination that was read, was of Mr. William Murray, of his Majesty's Bed-Chamber, taken before a Committee in Scotland, Octob. 27, 1641. wherein he shewed what Discourse had passed between himself and the Earl of Montross; and that the Earl of Montross writ a Letter to the King, touching Matters relating to the King's Crown and Honour: He further deposed, That Colonel Cockrain desired to speak privately with his Majesty, then at Edinburgh, saying he would not declare what he had to say to any other; that the Examinee did bring him privately to the King, and that he spake something concerning Marquess Hamilton and the Earl of Argyle. And that afterwards the Examinee discoursed with the Earl of Crawford, and asked him if he had heard of the Earl of Montross's Letter to the King, in which the said Earl accused Marquess Hamilton of High Treason? The Earl of Crawford replied, That the Marquess of Hamilton was a Traytor, but denied that he said to Colonel Cockrain, That he would have all the Traitors Throats cut.

The Lord Amond being examined the same Day, declared there was much Discourse had at his House, when Mr. Murray, the Earl of Crawford, and others were there, but spoke very faintly as to Particulars.

Colonel Cockrain gave his Relation in Writing, and said he was no Subject that would not wholly submit to his Majesty, and told Mr. Murray that he thought the Marquess Hamilton and the Earl of Argyle hindered the Peace of the Country, and that they must be sequestred: And further said, That upon Monday the Earl of Crawford said, he thought the Traitors Heads must be cut off.

Lieutenant Colonel Hume was examined, Octob. 26. who said, That having lately discoursed with the Earl of Crawford, he thereby discovered a Design which was to be put in Execution, and acquainted General Lesley, Marquess Hamilton, and the Earl of Argyle therewith; declaring that their

17 Caroli.

The end of the first Chapter, touching the Irish Rebellion.

Novemb. 5. A Plot in Scotland to seize Hamilton, his Brother Lanerick, and the Earl of Argyle.



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their Persons were to be seized, and that they should be sent on Board one of the King's Ships, and that a Coach should be set ready near the King's Palace, to carry them away in the Night, to the Water.

Captain *Steward*, set forth to the Committee, *Octob. 24.* much of the Design, adding, That the Earl of *Lanerick* (the Marquess's Brother) was also to be taken with them: And that there was a great Faction of Noblemen, and others present in *Edinburgh*, who were able (as he said) to suppress the Marquess, and the Earl of *Argyle*, and their Party.

These Papers being read in the House of Commons, Mr. *Hollis* moved and was seconded by others; That there might be a Conference with the Lords about this Matter, which was ordered accordingly; and the said Papers were imparted to the Lords at a Conference.

A brief Account of this Design against *Hamilton*, &c. as 'tis set forth in *Hamilton's Memoirs*, p. 184, and 185.

That a Gentleman not known to the Marquess, brought him and the Earl of *Argyle* the discovery of a Plot; which, he said, was laid for their Lives, and the Life of the Earl of *Lanerick*; which he said, he could justify by one Witness, that was invited to the Execution of it: He told also a long formal Story of the Persons to be Actors, and of the Time, Place, and Manner: And said it was to be executed that very Night. This the Marquess carried to the King, without naming the Particulars; but by the Law of *Scotland*, since he had but one Witness to prove the Design, it was not sufficient: The King desired him to examine the thing to the bottom, and bring him what further Evidence he could find: In the Evening other Presumptions were brought to the Marquess, but no clear Proof: However the matter had taken wind, and was got in every Bodies Mouth, so that all who depended on these Lords, came about them in great Numbers: And those on whom the Design was fastned, gave out, it was a Forgery to make them odious, and gathered also together: The Marquess, &c. hearing this, did not stir out of Doors, lest some of their too officious Followers should raise Tumults; and next Day in the Evening, he with the Earl of *Argyle*, and his Brother the Earl of *Lanerick*, and half a Dozen Servants went out of Town to his House of *Keneele*, twelve Miles from *Edinburgh*, and sent his Excuse to his Majesty, with an Account of the Reasons: Upon this many Discourses were raised, People of all Sides passing Construction as they were affected: But the Parliament took the matter into Consideration, before whom those that had given the Information owned what they had said, and those on whom the Plot was charged, did as positively deny all; so that no clear Proof being brought, the Parliament could come to no other Decision, but that the Lords had good Reason to withdraw themselves; and so they were invited to return to their Place in Parliament. However, this was a tedious Business, and put a great Stop to the Settlement betwixt the King and that Nation. ——— Thus that Author.

Wednesday, Novemb. the 10th, 1641.

The Lord Keeper reported the Conference with the Commons Yesterday, That Mr. *Pym* delivered, by Command, divers Heads agreed upon by the Commons, which are Instructions to be sent to the Commissioners of both Houses, now attending His Majesty in *Scotland*, which they desire their Lordships to join with them in.

Instructions to the Commissioners in *Scotland*, November the 10th. 1641.

The Instructions were read in *Hæc verba*;

1. You shall humbly inform His Majesty, that the Propositions made to the Parliament of *Scotland*, concerning their Assistance, for suppressing the Rebellion in *Ireland*, have been fully consider'd and debated by both Houses of Parliament here, and their wise and brotherly Expressions and Proceedings are apprehended and entertained here by us, not only with Approbation,



tion, but with Thankfulness; wherefore we desire that His Majesty will be pleased, that you, in the Name of the Lords and Commons of *England*, give publick Thanks to the States of the Parliament of *Scotland*, for their Care and Readiness to employ the Forces of that Kingdom for reducing the rebellious Subjects of *Ireland* to their due Obedience to His Majesty and the Crown of *England*.

17 Caroli.

2. You shall farther make known to His Majesty, That in the great and almost universal Revolt of the Natives of *Ireland*, cherished and fomented (as we have cause to doubt) by the secret Practices and Encouragements of some foreign States ill-affected to this Crown; and that the *Northern* Parts of that Kingdom may, with much more Ease and Speed, be supplied from *Scotland* than from *England*, we humbly desire and beseech His Majesty to make use of the Assistance of his Parliament and Subjects of *Scotland*, for the present Relief of those Parts of *Ireland* which lie nearest to them, according to the Treaty agreed upon and confirmed in both Parliaments, and this affectionate and friendly Disposition now lately expressed, as is more particularly specified in the 5th Article.

3. You shall present to His Majesty the Copy enclosed of the Declaration which we have sent into *Ireland*, for the Incouragement of his good Subjects there, and for the more speedy and effectual opposing of the Rebels; and in Execution and Performance of our Expressions therein made, of Zeal and Faithfulness to His Majesty's Service, we have already taken care for 50000 *l.* to be presently borrowed and secured by Parliament. We have likewise resolved to hasten the Earl of *Leicester*, Lord Lieutenant of *Ireland*, very speedily to repair thither, and forthwith to raise a convenient Number of Horse and Foot for securing *Dublin*, and the *English* Pale, with such other Parts as remain in His Majesty's Subjection, intending to second them with a far greater Supply.

4. We have farther ordered and directed, That His Majesty's Arms and Munition lying in the City of *Carlisle*, shall be transported into the *North* Parts of *Ireland*, for the supply of *Carrickfergus*, and other His Majesty's Forts and Garrisons there; and that a convenient Number of Men shall be sent from the *North* Parts of *England*, for the better Guard and Defence of those Countries adjoining; and that a large Proportion of Arms and other Munition, shall be speedily conveyed out of His Majesty's Stores to *West-Chester*, to be disposed according to the Direction of the Lord Lieutenant of *Ireland*, for arming the Men to be sent from *England*, and such other of His Majesty's Loyal Subjects as may be raised in *Ireland*.

5. And because we understand that the Rebels are like, with great Strength, to attempt the Ruine and Destruction of the *British* Plantation in *Ulster*, we humbly advise His Majesty, by the Council and Authority of His Parliament in *Scotland*, to provide that one Regiment consisting of 1000 Men, furnish'd and accomplish'd with all necessary Arms and Munition, as shall seem best to their great Wisdoms and Experience, may with all possible Speed be transported into *Ireland*, under the Command of some worthy Person well-affected to the Reformed Religion, and the Peace of both Kingdoms, and well enabled with Skill, Judgment and Reputation for such an Employment, which Forces we desire may be quartered in those *Northern* Parts, for the opposing of the Rebels, and Comfort Assistance of His Majesty's good Subjects there, with Instructions from His Majesty and the Parliament of *Scotland*, that they shall, upon all Occasions, pursue and observe the Directions of the Lord Lieutenant, his Lieutenant General, or the Governour of *Ireland*, according to their Authority derived from His Majesty and Crown of *England*.

6. That we have just Cause to believe that those Conspiracies and Com-  
motions



An. 1641.

motions in *Ireland*, are but the Effects of the same Councils; and if Persons of such Aims and Conditions shall continue in Credit, Authority and Employment, the great Aids which we shall be enforced to draw from his People, for subduing the Rebellion in *Ireland*, will be applied to the fomenting and cherishing of it there, and encouraging some such like Attempt by the Papists, and ill-affected Subjects in *England*, and in the end, to the Subversion of Religion, and Destruction of His Loyal Subjects in both Kingdoms; and do therefore most humbly beseech His Majesty to *change these Councils*, from which such ill Courses have proceeded, and which have caused so many Miseries and Dangers to himself and all his Dominions; and that he will be graciously pleased to employ such Councils and Ministers as shall be approv'd of by his Parliament, who are his greatest and most faithful Council, that so his People may with Courage and Confidence undergo the Charge and Hazard of War, and by their Bounty and faithful Endeavours, with God's Blessing restore to His Majesty, and this Kingdom, that Honour, Peace, Safety, and Prosperity, which they have enjoyed in former Times.

And if herein His Majesty shall not vouchsafe to condescend to our humble Supplications, although we shall always continue with Reverence and Faithfulness to his Person and to his Crown, and to perform those Duties of Service and Obedience, to which by the Laws of God and this Kingdom we are oblig'd, yet we shall be forced, in discharge of the Trust which we owe to the State, and to those whom we represent, to resolve upon some such way of defending *Ireland* from the Rebels, as may concur to the securing our selves from such mischievous Council and Designs as have lately been, and still are in Practice and Agitation against us, as we have just Cause to believe; and commend those Aids and Contributions which this great Necessity shall require, to the Custody and disposing of such Persons of Honour and Fidelity, as we have cause to confide in.

7. And as touching the *Wages* and other Charges needful, which this Assistance will require, we would have you in our Name, to beseech His Majesty to commend it to our Brethren, the Estates of the Parliament of *Scotland*, to take it into their Care, on the behalf his Majesty and this Kingdom, and to make such Agreements with all the Commanders and Soldiers to be employed, as they would do in like case for themselves, and to let them know for our Parts, we do wholly rely upon their honourable and friendly Dealing with us, and will take care that Satisfaction be made accordingly.

8. You shall represent to His most Excellent Majesty this our humble and faithful Declaration, that we cannot without much Grief remember the great Miseries, Burthens and Distempers, which have for divers Years afflicted all his Kingdoms and Dominions, and brought them to the last point of Ruin and Destruction; all which have issued from the cunning, false, and malicious Practices of some of those who have been admitted into very near Places of Council and Authority about him, who have been Favourers of Popery, Superstition and Innovation, Subverters of Religion, Honour and Justice, Factors for promoting the Designs of foreign Princes and States, to the great apparent Danger of his Royal Person, Crown and Dignity, and of all his People, Authors of false, Scandals and Jealousies betwixt His Majesty and his Loyal Subjects, Enemies to the Peace, Union and Confidence betwixt him and his Parliament, which is the surest Foundation of Prosperity and Greatness to His Majesty, of Comfort and Hope to them: That by their Councils and Endeavours, those great Sums which have been lately drawn from the People, have been either consumed unprofitably, or in the Maintenance of such Designs as have been mischievous and destructive to the State, and whilst we have been labouring to support His Majesty,



jeſty, to purge out the Corruption, and reſtore the Decays both of Church and State, others of their Faction and Party have been contriving, by Violence and Force, to ſuppreſs the Liberty of Parliament, and endanger the Safety of thoſe who have oppoſed ſuch wicked and pernicious Courſes.

But the great matter at this time in Agitation, was *The Remonſtrance of the State of the Kingdom*, which occaſioned very high Debates, and to the ſame, Sir Edward Deering, being a Diſſenter thereunto, ſpoke upon that occaſion as follows:

Mr. Speaker,

**T**HIS Remonſtrance is now in Progreſs upon its laſt Foot in this Houſe: I muſt give a Vote unto it, one way or other: My Conſcience bids me not to dare to be affirmative: So ſings the Bird in my Breſt, and I do cheerfully believe the Tune to be good.

This Remonſtrance, whenſoever it paſſeth, will make ſuch an Impreſſion, and leave ſuch a Character behind, both of His Majeſty, the People, the Parliament, and of this preſent Church and State, as no Time ſhall ever eat it out whilſt Hiſtories are written, and Men have Eyes to read them.—How curious then ought we to be, both in the Matter and the Form? Herein is a ſevere Point of Conſcience to be tried: Let us be ſure that every particular Subſtance be a Truth; and let us cloath that Truth with a free Language, yet a modeſt and a ſober Language.

Mr. Speaker, This Remonſtrance is in ſome kind greater and more extenſive than an Act of Parliament: That reacheth only to England and Wales; but in this the three Kingdoms will be your immediate Superviſors; and the greateſt part of Chriſtendom will quickly borrow the Glaſs to ſee our Deformities therein. They will ſcan this Work at Leiſure, which (I hope) we ſhall not ſhut up in haſte.

Some Pieces here are of excellent uſe and worth; but what is that to me, if I may not have them, without other Parts that are both doubtful and dangerous.

The Matter, Form, and final End of this Remonſtrance, all of them do argue with me, not to remonſtrate thus:

The End: To what End do we decline thus to them that look not for it? Wherefore is this Deſcenſion from a Parliament to a People? They look not up for this ſo extraordinary Courteſie? The better ſort think beſt of us: And why are we told that the People are expectant for a Declaration?

I did never look for it of my Predeceſſors in this Place, nor ſhall do from my Succeſſors. I do here profeſs that I do not know any one Soul in all that Country (for which I have the Honour to ſerve) who looks for this at your Hands. They do humbly and heartily thank you for many good Laws and Statutes already enacted, and pray for more; That is the Language beſt underſtood of them, and moſt welcome to them. They do not expect to hear any other Stories of what you have done, much leſs Promiſes of what you will do.

Mr. Speaker, When I firſt heard of a Remonſtrance, I preſently imagined that like faithful Counſellors, we ſhould hold up a Glaſs unto His Majeſty: I thought to repreſent unto the King the wicked Counſels of pernicious Counſellors: The reſtleſs Turbulency of practical Papiſts: The Treachery of falſe Judges: The bold Innovations, and ſome Superſtition brought in by ſome pragmatical Biſhops, and the rotten Part of the Clergy.

I did not dream that we ſhould remonſtrate downward, tell Stories to the People, and talk of the King as of a third Perſon.

The Uſe and End of ſuch Remonſtrance I underſtand not; at leaſt, I hope I do not.

Mr. Speaker, In the Form of this Remonſtrance, if it were preſented to you from a full Committee, yet I am bold to make this Query, Whether that Committee have preſented to us any Heads in this Remonſtrance which were not firſt agitated

Sir Edward  
Deering's  
Speech 22.  
Nov. 1641.  
againſt the  
Remon-  
ſtrance.



An. 1641.  
10 Novemb.  
1640.

Lord Vis-  
count Faulk-  
land.

Dr. Morton.

Dr. Williams.

Dr. Hall.

Dr. Juxon.  
Dr. Curle.  
Dr. Bridge-  
man.

Dr. Potter.  
Dr. Duppa.

ed here, and recommended to them from this House; if they have, there wanteth then (for so much) the formal Power that should actuate and enliven the Work so brought unto us; as may be well observed by perusing the Order (now above a twelve Month old) for constituting that Committee.

In the Matter of this Remonstrance I except against several Particulars, but upon the transient reading of it, (not having any View thereof) I will gather up two Instances only, very obvious, very easie to be observed.

First (as was also observed by a learned noble Lord who spake last) here is a Charge of a high Crime against all the Bishops in the Land, and that above all Proof that yet I have heard.

Your Words are, Idolatry introduced by Command of the Bishops.

What! plain, flat, formal Idolatry? Name the Species of this Idolatry, that is introduced by the Bishops, that is (for indefinite Propositions are æquipollent to universal) by all the Bishops, and by a Command of theirs.

Certainly, Sir, Idolatry (in the practice of it) is a very visible Sin; and the Command of the Bishops was either legible or audible. Who hath read this Command? Who hath heard this Command? Who hath seen this commanded Idolatry, and can assign wherein it is?

Some Superstition in Doctrines, and in Practices, by some Bishops; this is not the Question: But the odious Apostacy of Idolatry. Give me leave to say,

No Man in this House can charge and prove all the Bishops, no nor half of them, I dare say, not any three among them; perhaps (and truly I think so) not one among them all, to have issued forth any one Command for Idolatry. If any Man can, let him speak and convince me, I love to be informed. In the meantime, I desire to offer you some Particulars in bar, and by way of opposal to this Charge.

The learned, pious, and painful Bishop of Durham hath fought in Front against Roman Superstition and Idolatry.

The Bishop of Lincoln was the first of Note, that gave Check unto our Papal Misleaders and Altarian Innovators. He stood in the Gap of that Inundation, and was a Sufferer for us.

The Bishop of Exeter (however mistaken in the Divinity of Episcopacy) hath ever had the Repute both of a good Man, and a good Bishop. He hath not only held and maintain'd his Station, but advanced also, and made good Impression upon the Idolaters of Rome.

Mr. Speaker, This hath been a very accusative Age; yet have I not heard any Superstition (much less Idolatry) charged (much less proved) upon the several Bishops of London, Winchester, Chester, Carlile, Chichester.

Parcite paucorum diffundere crimen in omnes.

Not for Love unto the Persons of these Bishops, but for Honour to our Religion. The Times of late have been somewhat darkened; yet, let not us make the Day blacker in Report than it is in Truth.

In the last Place I observe a Promise in general Words, that Learning shall be rather advanced than discouraged: Sed quid verba audio, cum facta videam?

Great Rewards do beget great Endeavours; and certainly (Sir) when the great Bason and Ewer are taken out of the Lottery, you shall have few Adventurers for small Plate and Spoons only.

If any Man could cut the Moon out all into little Stars; although we might still have the same Moon, or as much in small Pieces, yet we shall want both Light and Influence.

To hold out the Golden Ball of Honour and of Profit, is both Policy and Honesty, and will be operative upon the best Natures, and the most pious Minds.

But (Mr. Speaker) if I observe aright, Learning (I mean Religious Learning) in this Remonstrance, is for one half thereof utterly unthought on. And because I hear often Speech of one half, but seldom mention of the other, give me



me leave (I beseech you) in this Theme a little to enlarge my self: if your Remonstrance once pass, it will be too late (I fear) to enter this Plea.

17 Caroli.

It is, I dare say, the unanimous Wish, the concurrent Sence, of this whole House, to go such a way, as may best settle and secure an able, learned, and fully sufficient Ministry among us. This ability, this sufficiency, must be of two several sorts.

It is one thing to be able to preach and to fill the Pulpit well; it is another ability to confute the perverse Adversaries of Truth, and to stand in that breach. The first of these gives you the wholesome food of sound Doctrine; the other maintains it for you, and defends it from such Harpies as would devour or else polute it. Both of these are supremely necessary for us, and for our Religion.

1 Tit. 9.

Both are of divine institution. The holy Apostle requireth both. Both *παρεχαλεῖν* and *ἐλέγχειν*, First to preach, That he be able with sound Doctrine to exhort: and then *καὶ τὰς ἀντιλέγοντας ἐλέγχειν*, and to convince the Gainayers. For (saith he) there are many deceivers whose mouths must be stopt.

1 Tit. 9. 10.  
Verse 11.

Now, Sir, to my purpose: these double abilities, these several sufficiencies, may perhaps sometimes meet together in one and the same Man; but seldom, very seldom, so seldom, that you scarce can find a very few among thousands rightly qualified in both.

Nor is this so much the infelicity of our, or any times, as it is generally the incapacity of Man, who cannot easily raise himself up to double excellencies.

Knowledge in Religion doth extend it self into so large, so vast a Sphere, that many (for hast) do cut cross the Diameter, and find weight enough in half their work: very few do or can travel the whole Circle round.

Some one in an age (perhaps) may be found, who, as Sir Francis Drake about the terrestrial Globe, may have travelled the celestial Orb of Theological Learning, both for controversial, and for instructive Divinity.

The incomparable Primate of Ireland deserves first to be named; Bishop Moreton (whom I mentioned before) is another reverend Worthy, and hath highly deserved of our Church in both capacities. Jewel (of pious memory) another Bishop never to be forgotten. Some few others I could name, able and active both for Pulpit and the Pen. But, Sir, these be *Raræ aves*, there are very few of them.

The reason is evident. For whilst one Man doth chiefly intend the Pulpit exercise, he is thereby disabled for polemick discourses: and whilst another indulgeth to himself the faculty of his Pen, he thereby renders himself the weaker for the Pulpit. Some Men aiming at eminency in both, have proved but mean Proficients in either. For it is a Rule and a sure one.

As Mr. Reading.  
Mr. Abbott.

*Pluribus intentus minor est ad singula* —

Now, Sir, such a way, such a temper of Church-government, and of Church-revenue, I must wish, as may best secure unto us both; both for preaching to us at home, and for convincing such as are abroad.

Let me be always sure of some Champions in our Israel, such as may be ready and able to fight the Lord's battle against the Philistines of Rome: the Socinians of the North; the Arminians and Semi-Pelagians of the West: and generally against Hereticks and Atheist every where. God increase the number of his Labourers within his Vineyard: such as may plentifully and powerfully preach Faith and good Life among us. But never let us want some of these Watchmen also about our Israel, such as may from the everlasting Hills (so the Scriptures are called) watch for us, and descry the common Enemy, which way soever he shall approach. Let us maintain both Pen and Pulpit. Let no Ammonite perswade the Gileadite, to fool out his right Eye, unless we be willing to make a League with Destruction; and to wink at Ruine whilst it comes upon us.

1 Sam. 2.



An. 1641.

Learning (Sir) it is invaluable: the loss of Learning, it is not in one age recoverable. You may have observed, that there hath been a continual Spring, a perpetual growth of learning ever since it pleased God, first to light Luther's Candle; I might have said Wicklife's, and justly so I do: For even from that time unto this day, and night, and hour, this light hath increased: and all this while our better cause hath gained by this light: which doth convince our Misomusists, and doth evict that Learning and Religion, by their mutual support, are like Hippocrate's Twins, they laugh and mourn together.

But, Sir, notwithstanding all this so long encrease of learning, there is a Terra incognita, a great Land of learning not yet discovered: our Adversaries are daily trading, and we must not sit down and give over, but must encourage and maintain and encrease the number of our painful Adventurers for the Golden fleece: and except the Fleece be of Gold, you shall have no Adventurers.

Sir, We all do look that our Cause should be defended: if the Fee be poor, the Plea will be but faint. Our cause is good, our defence is just: let us take care that it be strong; which for my part, I do clearly and ingenuously profess, I cannot expect should be perform'd by the Parish Minister, no not so well as hitherto it hath been. For from whom the more you do now expect of the Pulpit, the less (I am sure) you must look for of the Pen.

How shall he with one hundred pounds (perhaps two hundred pounds) per annum with a Family, and with constant preaching, be able, either in purse for charge, or in leasure for time, or in art for skill, to disgrace this so chargeable, so different, so difficult a work? I speak it (Mr. Speaker) and pardon my want of modesty if I say, I speak it not unknowingly: Six hundred pounds is but a mean expence in Books, and will advance but a moderate Library. Pains and learning must have a reward of Honour and Profit proportional: and so long as our Adversaries will contend, we must maintain the Charge, or else lay down the Cause.

In conclusion, I do beseech you all with the fervour of an earnest heart; a heart almost divided between hopes and fears, never to suffer diversion or diminution of the Rents we have for Learning and Religion: but beside the Pulpit, let us be sure to maintain πανταγιστιαν ηγεμονικην, an universal Militia of Theology, whereby we may be always ready and able (even by strength of our own, within our own happy Island at home) επιτομιζεν to stop the mouth of all Errors and Heresies that can arise.

Never, Sir, never let it be said that sacred Learning (for such is that I plead for) shall in one essential part thereof, be quite unprovided for in England. Sir, I have reason to be earnest in this, I see, I know great designs drawing another way; and my fears are increased, not cured by this Declaration.

Thus I have done: and because I want Champions for true Religion; Because I neither look for cure of our complaints from the common People, nor do desire to be cured by them; Because this House (as under favour I conceive) hath not recommended all the heads of this Remonstrance to the Committee which brought it in: Because it is not true, that the Bishops have commanded Idolatry; Because I do not know any necessary good end and use of this Declaration, but do fear a bad one; And because we pass His Majesty, and do remonstrate to the People: I do here discharge my Vote with a clear Conscience, and must say, NO, to this strange Remonstrance.

However this Remonstrance, after a Debate that lasted from Three a Clock in the Afternoon, till Three a Clock next Morning (so that one said it lookt like the Verdict of a starv'd Jury) was carried in the Affirmative, but not by many Voices. Mr. Palmer and some others making a Protestation against it, which those of the other side complained of, as directly against the Order, Custom, and Priviledge of the House of Commons: whereupon the said Mr. Palmer was committed to the Tower, but on his Petition some days after, released, and took his Place in the House as formerly.

On



On the 25<sup>th</sup> of Nov. the King returned to *London* from *Scotland*; and was received with all imaginary Expressions and Demonstrations of Affection and Grandure, as followeth.

17 *Caroli.*

*His Majesty's  
Return from  
Scotland, and  
magnificent Re-  
ception into  
London, 25.  
Nov. 1641.*

*The Manner of His Majesties Royal passing through the City of London, November 25. Anno 1641. upon his Return from Scotland.*

**T**hat Morning His Majesty came from *Theobalds* by Coach, with the Queen, the Prince, the Duke of *York*, the Princess *Mary*, the Count *Palatine* of the *Rhine*, the Duke of *Richmond* and *Lenox*, the Marquess *Hamilton* Master of the Horse, the Earl of *Essex* Lord Chamberlain of His Majesties Household, and some other Lords attending his Highness.

*Novemb. 25th.  
1641.*

At *Stamford-Hill*, the Sheriffs of *London* and *Middlesex* met him with 72 Men suited in Scarlet Cloaks, having Hats and Feathers, with Javelins, attending him to *Kingsland*, at which place, a Way was purposely made through the Fields unto *Moor-gate*, the Banks being cut down, and Bridges with Planks set up, for the better passage. At the entrance into the first Field was the Lord Mayor's Tent set up, wherein were placed divers Forms and Seats, on which the Nobility, with the Lord Mayor and Aldermen, that waited His Majesties coming, reposed themselves.

About the hour of Eleven His Majesty came, sitting on the right side of the Coach, the Queen on his Right Hand; the Prince, the Duke of *York*, and Princess *Mary*, within the Coach, and the Count *Palatine*, and Dukes of *Richmond*, sitting on the other side.

When His Majesty came against the Tent, he caused the Coach to be stayed, and the Nobility then came presenting themselves before him on their knees, Joying his Happy Return, kiss'd his Hand and the Queen's; and then the Lord Mayor delivered up to His Majesty, first the City Sword, and then the City Scepter, which His Majesty having received, re-delivered to the Lord Mayor: Which done, the Recorder made the following Speech.

May it Please Your Majesty,

**T**his is the day of exceeding great Joy to your Citizens of *London*, Joy exalted to the highest degree, to see you return in safety after a long absence, and see this happy meeting with your dearest Consort, our Good and Gracious Queen, and with these blessed Children, that are the Fruits of your Loves, and Pledges to us of a fruitful and hopeful Succession.

*Mr. Recorder  
of London his  
Speech to the  
King at his  
Return from  
Scotland.*

I can truly say this from the Representative Body of your City, from whence I have my Warrant, they meet your Majesty with as much Love and Affection as ever Citizens of *London* met with any of your Royal Progenitors, King or Queen of this Kingdom, and with as hearty a desire to shew it fully; pardon their failures where you meet with any.

We tender unto you no formal Present, it would but lessen us whatever it were (I am sure it would be far short of our meaning) but we present unto you our Hearts and Affections, Hearts of true Subjects, full of Loyalty to you our King and Sovereign.

'Tis true in this we offer your Majesty but your own, they were by just Right yours before; but upon this new and enlivening occasion, be pleased to take them as a new Gift, we offer them cheerfully, vouchsafe to accept them graciously, and with the Influence of those Excellent and Princely Vertues, which we know by great assurance to be eminent in your Royal Person, we doubt not but Your Majesty will continue the defence of our Establish'd Religion, and the clear current Justice of, through all the streams, of which your Majesty is the Royal Fountain. Vouchsafe likewise to uphold and countenance that ancient form and frame of Government,



An. 1641.

Government, which hath been long established in the City; that Power and Authority of yours, which you have committed to your Lord Mayor, your true and faithful Subject and Servant, and the fit Reverence and Respect due to the Aldermen his Brethren, who are to assist him in his Government; we shall be thereby the better enabled to serve your Majesty, and constantly to render to you the Fruits of a true Obedience, and as our Duty binds us, we shall never cease to bless you, and pray for you and your dearest Consort our Gracious Queen, and for this your Royal and Princely Off-spring, for Tour Majesties long Life and prosperous Reign over us, in Peace and Glory, and with full Contentment; and I doubt not but every true Subject will join with us in this and say, Amen.

These Expressions of Joy, of Love, of Loyalty, and these hearty Wishes and Desires which I have mentioned, I meet with every where from your Citizens of London; they are the soft and still Musick prepared for your Majesties Welcome and Entertainment this Day; the joyful Acclamations of your People, upon the sight of your Royal Person, will make it louder, and all chearfully bearing their agreeing parts together, shall I hope, this Day, make up to Tour Majesty a full and pleasing Harmony.

To which His Majesty immediately returned this Gracious Answer:

Mr. Recorder,

The King's  
Answer to  
the Recorder  
of London's  
Speech.

I Must desire you, because my voice cannot reach to all those that I desire should here me, to give most hearty thanks to all the good Citizens of London, for their hearty Expressions of their Love to me this Day; and indeed, I cannot sufficiently express the contentment I have received therein; for now I see that all these tumults and disorders have only risen from the meaner sort of people, and that the Affections of the better, and main part of the City, have ever been Loyal and Affectionate to my Person and Government.

And likewise it comforts me to see, that all those Misreports that have been made of me in my absence, have not the least power to do me prejudice in your Opinions, as may be easily seen by this days Expressions of Joy.

And now I think it fit for me to assure you, That I am returned with as hearty and kind Affections to my People in general, and to this City in particular, as can be desired by loving Subjects: The first I shall express, by Governing you all according to the Laws of this Kingdom, and in maintaining and protecting the true Protestant Religion, according as it hath been Established in my two famous Predecessors times, Queen Elizebeth and my Father; and this I will do, if need be, to the hazard of my Life, and all that is dear to me.

As for the City in particular, I shall study by all means their prosperity: And I assure you, I will singly grant those few reasonable demands you have now made unto me, in the Name of the City. And likewise, I shall study to re-establish that flourishing Trade which now is in some disorder amongst you, which I doubt not to effect, with the good assistance of the Parliament.

One thing I have thought of, as a particular Affection to you, which is, To give back unto you freely, that part of London-Derry which heretofore was evicted from you. This I confess, as that Kingdom is now, is no great Gift, but I hope to recover it first, and then to give it to you whole and entirely; and for the Legal part of this, I command you, Mr. Recorder, to wait upon me to see it punctually performed.

I will end as I begun, to desire you, Mr. Recorder, to give all the City thanks in better Expressions than I can make; though I must tell you, it will be far short of that real Contentment I find in my Heart, for this real and seasonable Demonstration of their Affections to me.

Sir Richard  
Gurney the  
Lord Mayor,  
and the Re-  
corder,  
Knighted.

His Majesty having ended this Gracious Speech, was pleased to confer the



the Honour of Knighthood upon the Lord Mayor and Mr. Recorder with the City Sword, and both their Majesties gave them, as also the Aldermen, City Council, and Officers, the Honour of kissing their Royal Hands.

All which performed, His Majesty took Horse, and proceeded with his Equipage and Attendants as followeth :

First went the City Marshal : Next the Sheriffs Trumpets : Then the Sheriffs Men in Scarlet Cloaks, with Silver Lac'd Hats, Feathers, and Javelins, to the number of 72, two and two. Citizens in Velvet Coats, with Chains of Gold, well mounted, to the number of 500, two and two, selected out of the Companies, who were distinguish'd by several Trumpets and Horsemen, that wore the Ensign of each Company at the Head thereof, every Man having his Footman in Suit and Cassock, with Ribbon of the Colours of his Company : City Council : Aldermen in Scarlet Gowns, two and two : Princes Trumpets : Messengers of the Chamber, two and two : King's Trumpets : Gentlemen of the Privy-Chamber : Knight Marshal : Pursevants-at-Arms : The Lord Chief Justice of the Common-Pleas, being a Knight of the Privy-Council.

Barons, viz.

Lord Goring,  
Lord Coventry,  
Lord Fielding,  
Lord Digby,

} Lord Mowbray,  
} Lord William Stewart, Brother  
} to the Duke of Lennox.

Viscount Conway. Heralds.

Earls, viz.

Earl Rivers,  
Earl of Bath,  
Earl of Cumberland,

} Earl of Oxford,  
} Earl of Essex, L. Chamberlain  
} of his Majesty's Household.

Duke of Richmond. Clarenceux and Norroy. Lord-Keeper. Lord Privy-Seal.  
Serjeants-at-Arms. Serjeant-at-Arms.

Queries and Footmen. } The Prince's Highness } Queries and Footmen.  
} alone.

Garter on the Right Hand. } The Lord Mayor of London carrying the City Sword by his Majesty's Special Appointment, as a Grace and Favour at this time. } A Gentlemen Usher, daily Waiter, on the Left Hand.

The L. Great Chamberlain on the Right Hand. } Marquess Hartford bearing the Sword of State. } The Earl Marshal on the Left Hand.

Queries and Footmen. } The King's Majesty on Horseback. } Queries and Footmen.

The Queen's Majesty in her Coach richly Embroidered, and with her the Prince Elector Palatine, the Duke of York, and the Princess Mary.

Marquess Hamilton, Master of the Horse, leading the Horse of State.

The Earl of Salisbury Captain of the Pensioners.

The Gentlemen Pensioners with their Poll-Axes, all mounted with Pistols at their Saddles.

The Earl of Holland, Lord General beyond Trent, and after him Viscount Grandison, with many other of the principal Commanders in the late Northern Expedition. After them divers great Ladies, and other great Personages of Note.

In this Order his Majesty came to Moor-Gate, and being entred within the Gate,

17 Caroli.

Amongst these, Serjeant Parker, the King's Serjeant for the City of London.



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Gate, proceeded along by *London-Wall* to *Bishop's-Gate*, and from thence to *Cornhill*, through part of *Cheapside*, and so down *St. Lawrence-Lane* to *Guild-Hall*, the Companies of *London* sitting within Rails set up for that purpose, covered with blue Cloath, and with the Banners and Ensigns of their several Companies, which begun at *Moor-Gate*, and continued to *Temple-Bar*, the Conduits, as his Majesty passed, running Claret Wine.

At *Guild-Hall* his Majesty was royally feasted, his Table standing at the East-end of the Hall, upon a large half Pace, covered with green Cloth, railed about to keep off the press of People. And on each side the Hall, below the half Pace, a long Table was placed for the Lords and other Gentlemen of Quality that attended his Majesty.

The Meat was served up by Citizens, standing in their Gowns and Hoods, of the Livery of their Company; on each side the Hall, a Row, Face to Face, from the Dresser to the King's Table, passing the Dishes from Hand to Hand; and to the other Tables Back to Back.

After Dinner his Majesty withdrew into a private Room, where he Knighted Sir *John Pettus*, who married the Lord Mayor's Daughter.

After Dinner, towards Four of the Clock, his Majesty took Horse again, and by Torch-light proceeded as aforesaid, towards *White-Hall*, through *St. Laurence-Lane*, *Cheapside*, *Paul's Church-Yard*, where over the South Porch of the Church, the Quires of *St. Paul's* stood in their Surplisses, singing an Anthem, with Sackbuts and Cornets.

And all the way his Majesty rid were infinite Acclamations of Joy, by shouting and other Expressions; the Streets and Windows thronged with People, and the sides of the Houses on each part of the way, from *Moor-Gate* to *Temple-Bar*, hanged with rich Tapestry.

In this manner his Majesty past through *Fleet-Street*, and the *Strand*, to *White-Hall*; the Lord Mayor bearing the City Sword till his Majesty alighted, which was within *White-Hall*, at the Stair-Foot, going up to the great Chamber, where the Lord Mayor alighted; and both his Majesty and the Queen, did there give the Lord Mayor great Thanks for their Entertainment.

From the *Maypole* in the *Strand*, to *Exeter-House*, the Sheriff's Men made a *stand* on the Right-Hand; And from thence to the *Tilt-Yard* the Citizens on Horseback, in Velvet Coats and Chains (each having his Footman Suited in the Colours of his Company, holding two Torches lighted in his Hands.) And from thence to *White-Hall*, the City Officers and the Aldermen.

When the Lord Mayor was taking his Leave, his Majesty not only return'd him particular Thanks, but gave him in Charge, That in his Name the whole City might be thanked; whereupon, his Lordship, Nov. 30, being *St. Andrew's-day*, summon'd a Common-Council, where an Act was made, and the Lord Mayor was intreated to appoint Mr. Recorder, and so many Aldermen and Commoners as his Lordship should think fit, to attend his Majesty; and to return their humble Thanks for all his Great and Princely Favours to the City; and to present to his Majesty such other Desires of the City as should be thought necessary and convenient.

In pursuance whereof, December the third, a Committee waited upon his Majesty, and Mr. Recorder spoke to this purpose:

That according to his Majesty's Commands, the Lord Mayor and himself had publish'd what his Majesty had so graciously express'd, not only to particular Men, but at a Common Council, which is the Representative Body of the City; and there made known the most gracious Acceptance by both their Majesties, of the Endeavours of the Citizens for that Days Welcome and Entertainment.

Upon

Lord Mayor  
commanded  
to return the  
King's  
Thanks to  
the whole  
City.

The Record-  
er's Speech  
to the King,  
&c. Dec. 3d.



Upon publishing of which, they all forthwith with one Heart and one Voice, earnestly entreated and prest the Lord Mayor, That by his means, and in such way as he should think fit, their most humble and hearty Thanks might be rendred and presented to both their Majesties, for that singular Honour they had done the City, in vouchsafing their Presence, and for those real Testimonies of Princely Favour his Majesty had vouchsafed, tending to their Profit and Advantage, and especially for their Majesties poor (tho' hearty) Endeavours; with these and the like Expressions, which came from amongst them: That if they had done a thousand Times more, it had been but their Duty. That the Memory of of this Honour, and these Favours should ever live amongst them, and be preserved to Posterity; which thankful Acknowledgment we that are present are come to make to your Majesty.

17 Car.

And also to present two Petitions from the City; first, That your Majesties would vouchsafe this Honour to the City (if it might stand with your good Pleasures) to make your Residence at this Season of the Year, at the Palace of *White-Hall*, your Presence being very joyful to us: And we are the rather emboldned to the Presumption of this Request, since your Majesty has been graciously pleased to tell us, You would study our Prosperity, and to restore the Trade of the City, which of late hath been in some Disorder: Now your Royal Residence there will give a good quickning to the Retailing Trade, and by consequence to the Merchant.

Our second Petition is, That whereas since your Majesty's Return hither, there has been some late Disorders about *Westminster*, amongst some People that met there, we beseech your Majesties not to impute this to the Body of the City, or to the better sort of Citizens, we held it a Misfortune and a Scandal upon us, that when those Disorders were mentioned, the City was named with it; and our Desire has been to vindicate and redeem our selves by some publick Disavowment of it, and we could not begin better, than in the Presence of your Majesties, whom we beseech to take into your Princely Consideration, That the Skirts of the City, where the Lord Mayor and Magistrates of *London* have neither Power nor Liberty, are more populous than the City it self, and fuller of the meaner sort of People. And if any Dwellers in the City should be Actors in it (as who can deny but amongst Millions of People, some there may be) yet their Purpose was unknown to us, and to give your Majesties some Assurance therein, there were some present there amongst us, Men that had lived in the City above forty Years together, that knew the City, and the better sort of Citizens, and were at *Westminster* attending other Occasions when those People met there, and took a full View of them, and they have affirmed, that they knew not the Face of one Man among them.

Mr. Recorder having ended, his Majesty presently and graciously gave Answer to this effect:

That he was very well pleased with the Hearty and Loyal Affections of the Citizens, for which he gave them great Thanks. And for their first Petition, tho' he and her Majesty had before purposed to Winter at *Hamp-ton-Court*, yet being now fully perswaded, that the Lord Mayor and Aldermen, and the most considerable part of the Citizens of *London* had not any hand in the Disorders mentioned by Mr. Recorder in his second Petition, he intended (and so he knew her Majesty would) to alter his Resolution, and with all convenient speed repair to *White-Hall*, there to keep their *Christmas*, and be ready to do any thing else that might promote the Trade of the City, desiring Mr. Recorder to join with him in taking some Course for Prevention of the like Disorders for the future.

His Majesty's Answer.



An. 1641.

After his Majesty had ended his Answer, and that Mr. Recorder, and Sir *George Whitmore* had kissed his Royal Hand, the next Alderman in Seniority kneeled down to receive the like Princely Favour, when, unexpectedly, his Majesty drew a Sword, and instead of giving him his Hand to kiss, laid the Sword upon his Shoulder and knighted him. The like he did to the other Aldermen and two Sheriffs, being all in Number seven: Which being done, and the Commoners having also kiss'd his Hand, they were by his Majesty's special Order, conducted by the Earl of *Dorset*, and Mr. Comptroller, to a Room where a Table was prepared for them, and none other to Dine at, where they were bountifully feasted, the Earl of *Dorset* dining with them, and Mr. Comptroller; and while they were at Dinner, there came two Gentlemen to them, one from his Majesty, the other from the Queen, to let them know that their Majesties had remembred the Health of the Lord Mayor and the whole City, which they received with due Respect, returning their humble Thanks for such their Majesties extraordinary Favour.

There were also these Verses publish'd in the Name of the City on this Occasion, which being short, I shall venture to insert.

Cives Londinenses, Illustrissimi Regis Caroli è Scotia Reditum, sic gratulantur.

**P** Rincipis Adventus Caroli, vel gratior Urbi  
 Quis dicat? Carolus vel magè gratus erat?  
 Gratia grata, magè est, Veniens è Principis Ore:  
 Nostra soluta facit, Debita, grata minus.  
 Nec tamen ingratos Nos reddit: Vota supersunt,  
 Ut crescat Caroli Gratia, noster Amor.

L O N D O N, To the KING.

**T** Hanks, Mighty Sir, that you would Gracious be,  
 T'accept the poor great Zeal of mine and me.  
 I entertain'd you not: Where e're you go,  
 All else are but Spectators, not the Show.  
 I do not envy now the Empress Rome,  
 When her Great Cæsars rode Triumphant Home;  
 Nor wish her Hills, but when you absent are,  
 To see your long'd-for coming from afar.  
 But go no more, leave me no more with Fears,  
 And Loyal Grief, to spend my Thames in Tears;  
 Your next Return may some due Honour miss,  
 I shall not then have done my Joy for this.

*Essex* Surrenders his Commission of Captain General.

The King Dissolves the Parliaments Guards.

The Earl of *Essex*, Lord Chamberlain, acquainted the House of Lords, that he had, upon his Majesty's Return, surrendred his Commission of Captain-General of the South Parts of the Kingdom into his Majesty's Hands, and therefore could take no further Orders for Guards; whereupon the House resolved to communicate the same to the Commons.

The Lord-Keeper being sent for by the King, had the Leave of the House to attend his Majesty, and at his Return signified, that he was ordered to acquaint them that his Majesty understanding there were Guards appointed for securing the Houses, tho' his Majesty presumes they did it upon some Reasons, yet his Majesty not knowing any Reasons, it was his Royal Pleasure the



*Guards should be dissolv'd, hoping that now his Presence would be a Protection unto them; but if there be Occasion, and his Majesty sees Reason for it, he shall be ready to take Care for sufficient Guards to secure his Parliament.* Which being communicated to the Commons, they sent a Message to the Lords, desiring his Majesty may be Petitioned in the Name of both Houses, that the Guards may still be continued, till they may satisfy his Majesty of the Reasons why a Guard is necessary, which in a few Days they intend to do. Whereunto the Lords, after some Dispute, consented, and the Earl of *Warwick*, and the Lord *Digby* were ordered to move his Majesty accordingly; and his Majesty, the next Day, return'd this Answer.

17 Car.

They Petition to continue them.

‘ That he did command the Guards to be dismiss’d, because he knew  
 ‘ no Cause they had of Fears, and because it was a great Trouble to his  
 ‘ Subjects that were to perform that Service, besides disquieting the People with strange Apprehensions and Jealousies. And that his Majesty expects, when the Parliament shall desire any thing extraordinary, as this is, they should give particular Reasons for it; yet his Majesty is so tender of the Parliaments Safety, that he will command the Earl of *Dorset* to appoint some of the Train-Bands, only for a few Days, to wait on both Houses, and if in that Time he shall be satisfied there is just Reason, shall continue them; and likewise, shall take such a Course for the Safety of his own Person as shall be fit, of which his Majesty doubts not but they will be as careful as of their own.

His Majesty's Answer, Nov. 27.

The Committee appointed by the Commons to draw up Reasons for a Guard, brought them into the House as follows:

Monday, Nov. 29.

I. Because of the great Numbers of disorderly, suspicious, and desperate Persons, especially *Irish*, lurking in the Suburbs, and other Places near *London* and *Westminster*.

Reasons for a Guard.

II. The Jealousie conceived upon the Discovery of a Design in *Scotland* to surprize several of the Nobility, Members of the Parliament there, which had been spoken of here some Days before it broke out there, with Intimation that the like was intended against divers Persons of both Houses here, which was the more credible, from the former Attempts to bring up the Army to over-run and disturb this Parliament.

III. From the Conspiracy in *Ireland*, so secretly manag'd, that but for the Providential Discovery at *Dublin*, it had been executed in one Day throughout that whole Kingdom; and some of the chief Conspirators have professed the like Course was intended in *England* and *Scotland*.

IV. From divers Advices from beyond the Seas, that there would be great Alteration in Religion shortly in these Kingdoms, and that the Necks of both the Parliaments in *England* and *Scotland* should be broken.

V. From divers Examinations taken of dangerous Speeches of some of the Popish and discontented Party in this Kingdom.

VI. The secret Meetings and Consultations of the Papists in several Parts, and their frequent Devotions for the Prosperity of some great Design in Hand.

These several Considerations do move the Parliament to desire a Guard, under the Command of the Earl of *Essex*; and they do conceive there is just Cause to apprehend, that there is some wicked and mischievous Practice, to interrupt the peaceable Proceedings of the Parliament, still in Hand; for preventing whereof it is fit the Guards should be still continued under the same Command, or such other as they shall choose. But to have it under the Command of any other, not chosen by themselves, they

can



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can by no means consent, and will rather run any Hazard than admit of a President so dangerous both to this and future Parliaments. And they humbly leave it to his Majesty to consider, whether it will not be fit to suffer his High Court of Parliament to enjoy that Priviledge of providing for their own Safety, which was never denied other inferior Courts. And that he will be pleased Graciously to believe, that they cannot think themselves safe under any Guard, of which they shall not be assured, that it will be as faithful in defending his Majesty's Safety as their own, whereof they shall always be more careful than of their own.

Decemb. 1.

The presenting of the Remonstrance to the King.

**T**HIS Day the House of Commons sent a Committee to wait upon his Majesty, (being then at *Hampton-Court*) and to present him with a Petition, and the large Remonstrance of the State of the Kingdom. The Persons appointed for this Service, were

Mr. Pym,  
Sir Symon D'Ewes,  
Sir Arthur Ingram,  
Sir James Thyn,  
Sir Henry Bellasis,  
Lord Gray,  
Sir Christopher Wray,

Lord Fairfax,  
Sir Ralph Hopton,  
Sir Richard Winn,  
Sir John Corbet,  
Sir Edw. Deering,  
and  
Sir Arthur Haslerigg.

The presenting it was put upon Sir *Edward Deering*, but he avoided it by being absent, and so it was done by Sir *Ralph Hopton*, who the next Day made Report to the House as followeth.

Sir *Ralph Hopton* reports to the House, the Delivery of the Petition, and Remonstrance to the King Yesterday at *Hampton-Court*, being the first of *December*.

Sir Ralph Hopton's Report of presenting the Petition and Remonstrance, December 2. 1641.

He said, that the last Night, in the Evening, he and those that accompanied him, came into *Hampton-Court*, where meeting with Sir *Richard Wynn*, he went in to his Majesty, and gave him notice of our being there; and within a quarter of an Hour, the King sent a Gentleman-Usher to call us in, with Directions none to come in but our selves; whereupon I did according to your Order and the rest with me, upon our Knees, present the Petition and Remonstrance, and begun to read it Kneeling, but his Majesty would not permit that, but commanded us all to rise, and so I read it.

The first thing that his Majesty spake at the reading thereof, was to that part of the Petition, that Charges a Malignant Party to be about his Majesty, with a design to change Religion; to which his Majesty with a hearty Fervency said, *the Devil take him whosoever he be that has a design to Change Religion*. Then I proceeded to read on, and when I came to that part of the Remonstrance of reserving the Lands of the Rebels in Ireland toward the suppressing them: His Majesty spake and said, *We must not dispose of the Bears Skin till the Bear be Dead*.

After the Petition was read, his Majesty said he desired to ask us some Questions, but I answered, we had no Power to speak to any thing, but wherein we had Commission; then said his Majesty, Doth the House intend to publish this Declaration? we said we could not answer to it; Well then, said his Majesty, *I suppose you do not expect a present Answer to so long a Petition; but this let me tell you, I have left Scotland well in Peace; they are well satisfied with me, and I with them; and though I staid longer then I expected, I think if I had not gone, you had not been so soon rid of the Army: I shall give you an Answer to this Business, with as much speed as the weight thereof will permit*. And so was pleased to give us all his Hand to Kifs; and thereupon we took our Leave, and afterwards Mr. Comptroller came to us with this Message, that the King desired there should be no publishing



publishing of this Declaration, till we had received his Answer: We were all that Night treated by Mr. Comptroller at Supper, and entertained with great Respect, and lodged by the King's Harbinger.

17 Car.

The said Petition and Remonstrance, then so presented, were as follows:

*The Petition of the House of Commons, which accompanied the Remonstrance of the State of the Kingdom, when it was presented to His Majesty at Hampton-Court, Decemb. 1st. 1641.*

Most Gracious Sovereign,

**Y**OUR Majesty's most humble and faithful Subjects, the Commons in this present Parliament Assembled, do with much Thankfulness and Joy, acknowledge the great Mercy and Favour of God, in giving your Majesty a safe and peaceable Return out of Scotland into your Kingdom of England, where the pressing Dangers and Distempers of the State, have caused us with much Earnestness, to desire the Comfort of your gracious Presence, and likewise the Unity and Justice of your Royal Authority, to give more Life and Power to the Dutiful and Loyal Counsels and Endeavours of your Parliament, for the Prevention of that imminent Ruin and Destruction wherein your Kingdoms of England and Scotland are threatened. The Duty which we owe to your Majesty, and our Country, cannot but make us very sensible and apprehensive, that the Multiplicity, Sharpness, and Malignity of those Evils under which we have now many Tears suffered, are fomented and cherished by a corrupt and ill-affected Party, who amongst other their mischievous Devices for the Alteration of Religion and Government, have sought by many false Scandals and Imputations, cunningly insinuated and dispersed amongst the People, to blemish and disgrace our Proceedings in this Parliament, and to get themselves a Party and Faction amongst your Subjects, for the better strengthening themselves in their wicked Courses, and hindering those Provisions and Remedies, which might by the Wisdom of your Majesty, and Counsel of your Parliament, be opposed against them.

For preventing whereof, and the better Information of your Majesty, your Peers, and all other your Loyal Subjects, we have been necessitated to make a Declaration of the State of the Kingdom, both before and since the Assembly of this Parliament, unto this Time, which we do humbly present to your Majesty, without the least Intention to lay any Blemish upon your Royal Person, but only to represent how your Royal Authority and Trust have been abused, to the great Prejudice and Danger of your Majesty, and of all your good Subjects.

And because we have Reason to believe that those malignant Parties, whose Proceedings evidently appear to be, mainly for the Advantage and Increase of Popery, is composed, set up and acted by the subtle Practice of the Jesuits, and other Engineers and Factors for Rome, and to the great Danger of this Kingdom, and most grievous Affliction of your Loyal Subjects, have so far prevailed, as to corrupt divers of your Bishops, and others in prime Places of the Church, and also to bring divers of these Instruments to be of your Privy-Council, and other Employments of Trust and Nearness about your Majesty, the Prince, and the rest of your Royal Children.

And by this Means have had such an Operation in your Council, and the most important Affairs and Proceedings of your Government, that a most dangerous Division, and chargeable Preparation for War betwixt your Kingdoms of England and Scotland, the increase of Jealousies betwixt your Majesty and your most obedient Subjects, the violent Distraction and Interruption of this Parliament, the Insurrection of the Papists in your Kingdom of Ireland, and bloody Massacre of your People, have been not only endeavoured and attempted, but in a great measure compassed and effected.

For preventing the final Accomplishment whereof, your poor Subjects are enforced to engage their Persons and Estates to the maintaining of a very expenceful and dangerous War, notwithstanding they have already, since the beginning of this Parliament, undergone the Charge of 150000 l. Sterling, or thereabouts, for the necessary Support and Supply of your Majesty in these present and perilous Designs. And because all our most faithful Endeavours and Engagements will be ineffectual for the Peace, Safety, and Preservation of your Majesty and your People, if some present, real and effectual Course be not taken for suppressing this wicked and malignant Party.

We



An. 1641.

*We your most humble and obedient Subjects, do with all Faithfulness and Humility, beseech your Majesty,*

1. *That you will be graciously pleased to concur with the humble Desires of your People in a Parliamentary Way, for the preserving the Peace and Safety of the Kingdom from the malicious Designs of the Popish Party.*

*For depriving the Bishops of their Votes in Parliament, and abridging their immoderate Power usurped over the Clergy, and other your good Subjects, which they have perniciously abused, to the Hazard of Religion, and great Prejudice and Oppression of the Laws of the Kingdom, and just Liberty of your People.*

*For the taking away such Oppressions in Religion, Church Government, and Discipline, as have been brought in and fomented by them.*

*For uniting all such your Loyal Subjects together, as join in the same Fundamental Truths against the Papists, by removing some Oppressions and unnecessary Ceremonies, by which divers weak Consciences have been scrupled, and seem to be divided from the rest, and for the due Execution of those good Laws, which have been made for securing the Liberty of your Subjects.*

2. *That your Majesty will likewise be pleased to remove from your Council all such as persist to favour and promote any of those Pressures and Corruptions where-with your People have been grieved, and that for the future, your Majesty will vouchsafe to employ such Persons in your great and publick Affairs, and to take such to be near you in Places of Trust, as your Parliament may have cause to confide in; that in your Princely Goodness to your People you will reject and refuse all Mediation and Solicitation to the contrary, how powerful and near soever.*

3. *That you will be pleased to forbear to alienate any of the forfeited and escheated Lands in Ireland, which shall accrue to your Crown by Reason of this Rebellion, that out of them the Crown may be the better supported, and some Satisfaction made to your Subjects of this Kingdom, for the great Expences they are like to undergo this War.*

*Which humble Desires of ours being graciously fulfilled by your Majesty, we will by the Blessing and Favour of God, most chearfully undergo the Hazard and Expences of this War, and apply our selves to such other Courses and Counsels, as may support your Royal Estate with Honour and Plenty at Home, with Power and Reputation Abroad, and by our Loyal Affections, Obedience and Service, lay a sure and lasting Foundation of the Greatness and Prosperity of your Majesty, and your Royal Posterity in future Times.*

A Remonstrance of the State of the Kingdom presented to the King at Hampton-Court, 1. Dec. 1641. in the Name of the Commons House of Parliament.

**T**HE Commons in this present Parliament assembled, having with much Earnestness and Faithfulness of Affection and Zeal to the publick Good of this Kingdom, and his Majesty's Honour and Service, for the space of twelve Months, wrestled with great Dangers and Fears, the pressing Miseries and Calamities, the various Distempers and Disorders, which had not only assaulted, but even overwhelmed and extinguish'd the Liberty, Peace, and Prosperity of this Kingdom, the Comfort and Hopes of all his Majesty's good Subjects, and exceedingly weakened and undermined the Foundation and Strength of his own Royal Throne.

Do yet find an abounding Malignity and Opposition in those Parties and Factions who have been the cause of those Evils, and do still labour to cast Aspersions upon that which hath been done, and to raise many Difficulties for the Hinderance of that which remains yet undone, and to foment Jealousies betwixt the King and Parliament, that so they may deprive him and his People of the Fruit of his own gracious Intentions, and their humble Desires of procuring the publick Peace, Safety, and Happiness of this Realm: For the preventing of those miserable Effects which such malicious Endeavours may produce, we have thought good to declare;

The Root and the Growth of these mischievous Designs.

The Maturity and Ripeness, to which they have attained before the beginning of the Parliament.

The effectual Means which have been used for the Extirpation of those dangerous Evils, and the Progress which hath therein been made by his Majesty's Goodness, and the Wisdom of the Parliament.

The Ways of Obstruction and Opposition, by which that Progress hath been interrupted.

The Courses to be taken for the removing those Obstacles, and for the accompli-



complishing of our most dutiful and faithful Intentions and Endeavours of restoring and establishing the ancient Honour, Greatness, and Security of this Crown and Nation.

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The Root of all this Mischief we find to be a malignant and pernicious Design of subverting the Fundamental Laws and Principles of Government, upon which the Religion and Justice of this Kingdom are firmly establish'd. The Actors and Promoters hereof have been,

1. The Jesuited Papists, who hate the Laws, as the Obstacles of that Change, and Subversion of Religion, which they so much long for.

2. The Bishops, and the corrupt Part of the Clergy, who cherish Formality and Superstition, as the natural Effects and more probable Supports of their own Ecclesiastical Tyranny and Usurpation.

3. Such Counsellors and Courtiers as for private Ends have engaged themselves to further the Interests of some Foreign Princes, or States, to the Prejudice of his Majesty and the State at Home.

The common Principles by which they moulded and governed all their particular Counsels and Actions were these :

First, To maintain continual Differences and Discontents betwixt the King and the People, upon Questions of Prerogative and Liberty, that so they might have the Advantage of siding with him, and under the Notions of Men addicted to his Service, gain to themselves and their Parties, the Places of greatest Trust and Power in the Kingdom.

A Second, To suppress the Purity and Power of Religion, and such Persons as were best affected to it, as being contrary to their own Ends, and the greatest Impediment to that Change which they thought to introduce.

A Third, To conjoin those Parties of the Kingdom which were most propitious to their own Ends, and to divide those who were most opposite, which consisted in many particular Observations.

To cherish the Arminian Part in those Points wherein they agree with the Papists to multiply and enlarge the Difference between the common Protestants, and those whom they call Puritans, to introduce and countenance such Opinions and Ceremonies as are fittest for Accommodation with Popery, to increase and maintain Ignorance, Looseness, and Prophaneness in the People.

That of those three Parties, Papists, Arminians and Libertines, they might compose a Body fit to act such Counsels and Resolutions as were most conducive to their own Ends.

A Fourth, To disaffect the King to Parliaments by Slanders and false Imputations, and by putting him upon other Ways of Supply, which in Shew and Appearance were fuller of Advantage than the ordinary Course of Subsidies, though in truth they brought more Loss than Gain both to the King and People, and have caused the great Distractions under which we both suffer.

As in all compounded Bodies the Operations are qualified according to the predominant Element, so in this mixt Party, the Jesuited Counsels being most active and prevailing, may easily be discovered to have had the greatest Sway in all their Determinations, and if they be not prevented, are likely to devour the rest, or to turn them into their own Nature.

In the beginning of his Majesty's Reign, the Party begun to revive and flourish again, having been somewhat damp't by the Breach with *Spain* in the last Year of King *James*, and by his Majesty's Marriage with *France*; the Interests and Councils of that State being not so contrary to the good of Religion, and the Prosperity of this Kingdom, as those of *Spain*; and the Papists of *England* having been ever more addicted to *Spain* than *France*, yet they still retained a Purpose and Resolution to weaken the Protestant Parties in all Parts, and even in *France* whereby to make way for the change of Religion, which they intended at Home.

1. The first Effect and Evidence of their Recovery and Strength, was the Dissolution of the Parliament at *Oxford*, after there had been given two Subsidies to his Majesty, and before they received Relief in any one Grievance, many other more miserable Effects followed.

2. The Loss of the *Rochel* Fleet, by the help of our Shipping, set forth and delivered over to the *French*, in opposition to the Advice of Parliament, which left that Town without Defence by Sea, and made way not only to the Loss of that important Place, but likewise to the Loss of all the Strength and Security of the Protestant Religion in *France*.

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3. The diverting of his Majesty's Course of Wars from the *West-Indies*, which was the most facile and hopeful Way for this Kingdom to prevail against the *Spaniard*, to an expenceful and successless Attempt upon *Calez*, which was so order'd as if it had rather been intended to make us weary of War, than to prosper in it.
4. The precipitate Breach with *France*, by taking their Ships to a great Value, without making Recompence to the *English*, whose Goods were thereupon imbar'd, and confiscate in that Kingdom.
5. The Peace with *Spain*, without Consent of Parliament, contrary to the Promise of King *James* to both Houses, whereby the *Palatines* Cause was deserted and left to chargeable and hopeless Treaties, which, for the most part, were managed by those who might justly be suspected to be no Friends to that Cause.
6. The charging of the Kingdom with billited Soldiers in all Parts of it, and that concomitant Design of *German* Horse, that the Land might either submit with Fear, or be enforced with Rigour to such arbitrary Contributions as should be required of them.
7. The dissolving of the Parliament in the second Year of his Majesty's Reign, after a Declaration of their Intent to grant five Subsidies.
8. The exacting of the like Proportion of five Subsidies after the Parliament dissolved by Commission of *Loan*; and divers Gentlemen and others imprisoned for not yielding to pay that *Loan*, whereby many of them contracted such Sickneses as cost them their Lives.
9. Great Sums of Money required and raised by Privy-Seals.
10. An unjust and pernicious Attempt to extort great Payments from the Subject, by way of Excise, and a Commission issued under the Seal to that purpose.
11. The Petition of Right, which was granted in full Parliament blasted, with an illegal Declaration to make it destructive to it self, to the Power of Parliament, to the Liberty of the Subject, and to that purpose printed with it, and the Petition made of no use, but to shew the bold and presumptuous Injustice of such Ministers as durst break the Laws, and suppress the Liberties of the Kingdom, after they had been so solemnly and evidently declared.
12. Another Parliament dissolved 4 *Car.* the Priviledge of Parliament broken, by imprisoning divers Members of the House, detaining them close Prisoners for many Months together, without the Liberty of using Books, Pen, Ink, or Paper, denying them all the Comforts of Life, all Means of Preservation of Health, not permitting their Wives to come unto them, even in time of their Sicknes.
13. And for the compleating of that Cruelty, after Years spent in such miserable Durance, depriving them of the necessary Means of Spiritual Consolation, not suffering them to go abroad to enjoy God's Ordinances in God's House; or God's Ministers to come to them, to minister Comfort to them in their private Chambers.
14. And to keep them still in this oppressed Condition, not admitting them to be bailed according to Law; yet vexing them with Informations in inferiour Courts, Setencing and Fining some of them for Matters done in Parliament; and extorting the Paymenrs of those Fines from them, enforcing others to put in Security of good Behaviour, before they could be released.
15. The Imprisonment of the rest, which refused to be bound, still continued, which might have been perpetual, if Necessity had not the last Year brought another Parliament to relieve them, \*of whom one died, by the Cruelty and Harshness of his Imprisonment, which would admit of no Relaxation, notwithstanding the eminent Danger of his Life, did sufficiently appear, by the Declaration of his Physician. And his Release, or at least his Refreshment was sought by many humble Petitions. And his Blood still cries either for Vengeance or Repentance of those Ministers of State who have at once obstructed the Course both of his Majesty's Justice and Mercy.
16. Upon the Dissolution of both these Parliaments, untrue and scandalous Declarations were published to asperse their Proceedings, and some of their Members unjustly; to make them odious, and colour the Violence which was used against them. Proclamations set out to the same purpose; and to the great dejecting the Hearts of the People, forbidding them even to speak of Parliaments.
17. After the Breach of the Parliament, in the fourth of his Majesty, Injustice, Oppression

Sir John  
Elliot.



Oppression, and Violence, broke in upon us without any Restraint or Moderation, and yet the first Project was the great Sums exacted thorough the whole Kingdom, for default of Knighthood; which seemed to have some Colour and Shadow of a Law, yet if it be rightly examined by that obsolete Law which was pretended for it, it will be found to be against all the Rules of Justice, both in respect of the Persons charged, the Proportion of the Fines demanded, and the absurd and unreasonable manner of their Proceedings.

18. Tonnage and Poundage hath been received without Colour or Pretence of Law: Many other heavy Impositions continued against Law; and some so unreasonable, that the Sum of the Charge exceeds the value of the Goods.

19. The Book of Rates lately inhaunced to a high Portion, and such Merchants that would not submit to their illegal and unreasonable Payments, were vexed and oppressed above Measure; and the ordinary Course of Justice, the common Birthright of the Subject of *England* wholly obstructed unto them.

20. And although all this was taken upon Pretence of guarding the Seas, yet a new and unheard of Tax of Ship-Money was devised, and upon the same Pretence. By both which there was charged upon the Subject near 700000 *l.* some Years, and yet the Merchants have been left so naked to the Violence of the *Turkish* Pirates; that many great Ships of value, and thousands of his Majesty's Subjects have been taken by them, and do still remain in miserable Slavery.

21. The Enlargement of Forests, contrary to *Charta de Foresta*, and the Composition thereupon.

22. The Exactions of Coat and Conduct Money, and divers other Military Charges.

23. The taking away the Arms of Trained-bands of divers Counties.

24. The desperate Design of engrossing all the Gun-powder into one Hand, keeping it in the Tower of *London*, and setting so high a Rate upon it, that the poorer sort were not able to buy it; nor could any have it without License; thereby to leave the several Parts of the Kingdom destitute of their necessary Defence: and by selling so dear that which was sold, to make an unlawful Advantage of it, to the great Charge and Detriment of the Subject.

25. The general Destruction of the King's Timber, especially that in the Forest of *Deane*, sold to Papists, which was the best Store-House of this Kingdom, for the Maintenance of our Shipping.

26. The taking away of Mens Right, under Colour of the King's Title to Land, between high and low Water Marks.

27. The Monopolies of Soap, Salt, Wine, Leather, Sea-Coal, and in a manner, of all things of most common and necessary Use.

28. The Restraint of the Liberties of the Subjects in their Habitation, Trades, and other Interests.

29. Their Vexation and Oppression by Purveyors, Clerks of the Market and Salt-peter Men.

30. The Sale of pretended Nuisances, as Building in and about *London*.

31. Conversion of Arable into Pasture, Continuance of Pasture, under the Name of Depopulation, have droven many Millions out of the Subjects Purses, without any considerable Profit to his Majesty.

32. Large Quantities of common and several Grounds hath been taken from the Subject, by Colour of the Statute of Improvement, and by Abuse of the Commission of Sewers, without their Consent, and against it.

32. And not only private Interest, but also publick Faith hath been broken, in seising of the Money and Bullion in the Mint, and the whole Kingdom like to be robbed at once, in that abominable Project of Brass Money.

34. Great Numbers of his Majesty's Subjects, for refusing those unlawful Charges, have been vexed with long and expensive Suits, some fined and censured, others committed to long and hard Imprisonments and Confinements; to the loss of Health in many, of Life in some, and others have had their Houses broken up, their Goods seised, some have been restrained from their lawful Callings.

35. Ships have been interrupted in their Voyages, surprized at Sea in hostile maner by Projectors, as by a common Enemy.

36. Merchants prohibited to unlade their Goods in such Ports as were for their



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their own Advantage, and forced to bring them to those Places which were much for the Advantages of the Monopolizers and Projectors.

37. The Court of Star-Chamber hath abounded in extravagant Censures, not only for the Maintainance and Improvement of Monopolies, and other unlawful Taxes, but for divers other Causes, where there hath been no Offence, or very small; whereby his Majesty's Subjects have been oppressed by grievous Fines, Imprisonments, Stigmatizings, Mutilations, Whippings, Pillories, Gags, Confinements, Banishments; after so rigid a Manner, as hath not only deprived Men of the Society of their Friends Exercise of their Possessions, Comfort of Books, Use of Paper or Ink, but even violated that near Union, which God hath established betwixt Men and their Wives, by forced and constrained Separation, whereby they have been bereaved of the Comfort and Conversation one of another for many Years together, without hope of Relief, if God had not by his overruling Providence given some Interruption to the prevailing Power, and Counsel of those who were the Authors and Promoters of such peremptory and heady Courses.

38. Judges have been put out of their Places for refusing to do against their Oaths and Consciences: Others have been so awed that they durst not do their Duties, and the better to hold a Rod over them, the Clause *Quam diu se bene Gesserit*, was left out of their Patents, and a new Clause *Durante bene placito* inserted.

39. Lawyers have been checked for being faithful to their Clients; Solicitors and Attornies have been threatned, and some punished for following lawful Suits. And by this means all the Approaches to Justice were interrupted and forecluded.

40. New Oaths have been forced upon the Subject against Law.

41. New Judicatories erected without Law. The Council Table have by their Orders, offered to bind the Subjects in their Freeholds, Estates, Suits, and Actions.

42. The pretended Court of the *Earl Marshal* was arbitrary, and illegal in its Being and Proceedings.

43. The *Chancery*, *Exchequer-Chamber*, Court of Wards, and other *English* Courts, have been grievous in exceeding their Jurisdiction.

44. The Estate of many Families weakned, and some ruined by excessive Fines, exacted from them for Compositions of Wardships.

45. All Leases of above 100 Years made to draw on Wardship contrary to Law.

46. Undue Proceedings used in the finding of Offices, to make the Jury find for the King.

47. The Common Law Courts, seeing all Men more inclined to seek Justice there, where it may be fitted to their own Desire, are known frequently to forsake the Rules of the Common Law, and straying beyond their Bounds, under pretence of Equity to do Injustice.

48. Titles of Honour, Judicial Places, Serjeants-ships at Law, and other Offices have been sold for great Sums of Money; whereby the Common Justice of the Kingdom hath been much endangered, not only by opening a way of Employment, in places of great Trust and Advantage to Men of weak Parts; but also by giving occasion to Bribery, Extortion, Partiality; it seldom hapning that Places ill gotten, are well used.

49. Commissions have been granted for examining the Excess of Fees: And when great Exactions have been discovered, Compositions have been made with Delinquents, not only for the time past, but likewise for Immunity, and Security in offending for the time to come, which, under Colour of Remedy, hath but confirmed and encreased the Grievance to the Subject.

50. The usual Course of pricking Sheriffs, not observed, but many times Sheriffs made an extraordinary way, sometimes as a Punishment and Charge unto them; sometimes such were prick'd out as would be Instruments to execute whatsoever they would have to be done.

51. The Bishops and the rest of the Clergy, did triumph in the Suspensions, Excommunications, Deprivations, and Degradations of divers painful, learned and pious Ministers, in the vexation and grievous Oppressions of great Numbers of his Majesty's good Subjects.

52. The High Commission grew to such excess of Sharpness and Severity as was



was not much less than the *Romish Inquisition*, and yet in many Cases, by the Archbishop's Power, was made much more heavy, being assisted, and strengthened by Authority of the Council-Table.

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53. The Bishops and their Courts were as eager in the Country; although their Jurisdiction could not reach so high in Rigour and Extremity of Punishment; yet were they no less grievous in respect of the Generality and Multiplicity of Vexations, which lighting upon the meaner sort of Tradesmen and Artificers, did impoverish many Thousands.

54. And so afflict and trouble others, that great Numbers, to avoid their Miseries, departed out of the Kingdom, some into *New England*, and other Parts of *America*, others into *Holland*.

55. Where they have transported their Manufactures of Cloath, which is not only a Loss by diminishing the present Stock of the Kingdom, but a great Mischief by impairing and indangering the Loss of that peculiar Trade of Clothing, which hath been a plentiful Fountain of Wealth and Honour to this Nation.

56. Those were fittest for Ecclesiastical Preferment, and soonest obtained it, who were most officious in promoting Superstition most virulent in railing against Godliness and Honesty.

57. The most publick and solemn Sermons before his Majesty, were, either to advance Prerogative above Law, and decry the Property of the Subject, or full of such kind of Invectives.

58. Whereby they might make those odious who sought to maintain the Religion, Laws and Liberties of the Kingdom, (and such Men were sure to be weeded out of the Commission of the Peace, and out of all other Employments of Power in the Government of the Country.

59. Many Noble Personages were Councillors in Name, but the Power and Authority remained in a few of such as were most addicted to this Party: Whose Resolutions and Determinations were brought to the Table for Countenance and Execution, and not for Debate and Deliberation, and no Man could offer to oppose them without Disgrace and Hazard to himself.

60. Nay all those that did not wholly concur, and actively contribute to the furtherance of their Designs, though otherwise Persons of never so great Honour and Abilities, were so far from being employed in any Place of Trust and Power, that they were neglected, discountenanced, and upon all Occasions injured and oppressed.

61. This Faction was grown to that height and intireness of Power, that now they began to think of finishing their Work, which consisted of these three Parts.

62. I. The Government must be set free from all Restraint of Laws concerning our Persons and Estates.

63. II. There must be a Conjunction betwixt Papists and Protestants in Doctrine, Discipline, and Ceremonies; only it must not yet be called Popery.

64. III. The Puritans, under which Name they include all those that desire to preserve the Laws and Liberties of the Kingdom, and to maintain Religion in the Power of it, must be either rooted out of the Kingdom with Force, or driven out with Fear.

65. For the effecting of this, it was thought necessary to reduce *Scotland* to such Popish Superstitions and Innovations as might make them apt to join with *England* in that great Change which was intended.

66. Whereupon new Canons, and a new Liturgy were prest upon them, and when they refused to admit of them, an Army was raised to force them to it, towards which the Clergy and the Papists were very forward in their Contribution.

67. The *Scots* likewise raised an Army for their Defence.

68. And when both Armies were come together, and ready for a bloody Encounter, his Majesty's own gracious Disposition, and the Counsel of the *English* Nobility and dutiful Submission of the *Scots*, did so far prevail against the evil Counsel of others, that a Pacification was made, and his Majesty returned with Peace and much Honour to *London*.

69. The unexpected Reconciliation was most acceptable to all the Kingdom, except to the malignant Party; whereof the Archbishop and the Earl of *Strafford* being Heads, they and their Faction began to inveigh against the Peace, and to



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aggravate the Proceedings of the States, which so encreased his Majesty, that he forthwith prepared again for War.

70. And such was their Confidence, that having corrupted and distempered the whole Frame and Government of the Kingdom, they did now hope to corrupt that which was the only means to restore all to a right Frame and Temper again.

71. To which end they perswaded his Majesty to call a Parliament, not to seek Counsel and Advice of them, but to draw Countenance and Supply from them, and to engage the whole Kingdom in their Quarrel.

72. And in the mean time, continued all their unjust Levies of Money, resolving either to make the Parliament pliant to their Will, and to establish Mischiefs by a Law, or else to break it, and with more Colour to go on by Violence, to take what they could not obtain by Consent. The Ground alledged for the Justification of this War, was this;

73. That the undutiful Demands of the Parliaments in *Scotland* was a sufficient Reason for his Majesty to take Arms against them, without hearing the Reason of those Demands, and thereupon a new Army was prepared against them, their Ships were seized in all Ports both of *England* and *Ireland*, and at Sea, their Petitions rejected, their Commissioners refused Audience.

74. This whole Kingdom most miserably distempered with Levies of Men and Money, and Imprisonments of those who denied to submit to those Levies.

75. The Earl of *Strafford* past into *Ireland*, caused the Parliament there to declare against the *Scots*, to give four Subsidies towards that War; and to engage themselves, their Lives and Fortunes for the Prosecution of it, and gave Directions for an Army of eight thousand Foot, and one thousand Horse, to be levied there, which were for the most part Papists.

76. The Parliament met upon the 13th of *April* 1640. The Earl of *Strafford* and Archbishop of *Canterbury*, with their Party, so prevailed with his Majesty, that the House of Commons was prest to yield a Supply for Maintenance of the War with *Scotland*, before they had provided any Relief for the great and pressing Grievances of the People, which being against the fundamental Privilege and Proceeding of Parliament, was yet in humble Respect to his Majesty, so far admitted as that they agreed to take the matter of Supply into Consideration, and two several Days it was debated.

77. Twelve Subsidies were demanded for the Release of Ship-Money alone: A third Day was appointed for Conclusion, when the Heads of that Party began to fear the People might close with the King, in satisfying his Desires of Money; But that withal they were like to blast their malicious Designs against *Scotland*, finding them very much indisposed to give any Countenance to that War.

78. Thereupon they wickedly advised the King to break off the Parliament, and to return to the Ways of Confusion, in which their own evil Intentions were most like to prosper and succeed.

79. After the Parliament ended, the 5th of *May* 1640, this Party grew so bold, as to Counsel the King to supply himself out of his Subjects Estates by his own Power, at his own Will, without their Consent.

80. The very next Day, some Members of both Houses had their Studies and Cabinets, yea, their Pockets searched: Another of them not long after was committed close Prisoner, for not delivering some Petitions which he received by Authority of that House.

81. And if harsher Courses were intended (as was reported) it is very probable that the Sickness of the Earl of *Strafford*, and the tumultuous Rising in *Southwark* and about *Lambeth*, were the Causes that such violent Intentions were not brought to execution.

82. A false and scandalous Declaration against the House of Commons was published in his Majesty's Name, which yet wrought little Effect with the People, but only to manifest the Impudence of those who were Authors of it.

83. A forced Loan of Money was attempted in the City of *London*.

84. The Lord Mayor and Aldermen in their several Wards, enjoined to bring in a List of the Names of such Persons as they judged fit to lend, and of the Sum they should lend. And such Aldermen as refused so to do, were committed to Prison.

85. The Archbishop, and the other Bishops and Clergy continued the Convocation, and by a new Commission, turned it into a Provincial Synod, in which



which by an unheard of Presumption, they made Canons that contain in them many Matters, contrary to the King's Prerogative, to the Fundamental Laws and Statutes of the Realm, to the Right of Parliaments, to the Property and Liberty of the Subject, and Matters tending to Sedition, and of dangerous Consequence, thereby establishing their own Usurpations, justifying their Altar-worship, and those other superstitious Innovations, which they formerly introduced without Warrant of Law.

86. They imposed a new Oath upon divers of his Majesty's Subjects both Ecclesiastical and Lay, for Maintenance of their own Tyranny, and laid a great Tax upon the Clergy for Supply of his Majesty, and generally they shewed themselves very affectionate to the War with *Scotland*, which was by some of them stiled *Bellum Episcopale*, and a Prayer composed, and enjoined to be read in Churches, calling the *Scots* Rebels, to put the two Nations in Blood, and make them irreconcilable.

87. All those pretended Canons and Constitutions were armed with the several Censures of Suspension, Excommunication, Deprivation, by which they would have thrust out all the good Ministers, and most of the well-affected People of the Kingdom, and left an easie Passage to their own Design of Reconciliation with *Rome*.

88. The Popish Party enjoyed such Exemptions from Penal Laws, as amounted to a Toleration, besides many other Encouragements and Court Favours.

89. They had a Secretary of State, Sir *Francis Windebanck*, a powerful Agent for speeding all their Desires.

90. A *Pope's Nuncio* residing here, to act and govern them according to such Influences as he received from *Rome*, and to intercede for them with the most powerful Concurrence of the Foreign Princes of that Religion.

91. By his Authority, the Papists of all sorts, Nobility, Gentry, and Clergy were convoked after the manner of a Parliament.

92. New Jurisdictions were erected of Romish Archbishops, Taxes levied, another State moulded within this State independent in Government, contrary in Interest and Affection, secretly corrupting the Ignorant or negligent Professors of our Religion, and closely uniting and combining themselves against such as were found in this Posture waiting for an Opportunity by Force to destroy those whom they could not hope to seduce.

93. For the effecting whereof, they were strengthened with Arms and Munition, encouraged by superstitious Prayers, enjoined by the *Nuncio* to be weekly made for the Prosperity of some great Design.

94. And such Power had they at Court, that secretly a Commission was issued out, or intended to be issued to some great Men of that Profession, for the levying of Soldiers, and to command and imploy them according to private Instructions, which we doubt were framed for the Advantage of those who were the Contrivers of them.

95. His Majesty's Treasure was consumed, his Revenue anticipated.

96. His Servants and Officers compelled to lend great Sums of Money.

97. Multitudes were called to the Council-Table, who were tired with long Attendances there for refusing illegal Payments.

98. The Prisons were filled with their Commitments: Many of the Sheriffs summoned into the *Star-Chamber*; and some imprisoned for not being quick enough in levying the Ship-Money, the People languished under Grief and Fear, no visible Hope being left but in Desperation.

99. The Nobility began to be weary of their Silence and Patience, and sensible of the Duty and Trust which belongs to them; and thereupon some of the most ancient of them did Petition his Majesty at such a Time, when evil Counsels were so strong, that they had occasion to expect more Hazard to themselves, than redress of those publick Evils for which they interceded.

100. Whilst the Kingdom was in this Agitation and Distemper, the *Scots* restrained in their Trades, impoverished by the Loss of many of their Ships, bereaved of all Possibility of satisfying his Majesty by any naked Supplication, entred with a powerful Army into the Kingdom, and without any Hostile Act or Spoil in the Country they passed, more then forcing a Passage over the *Tyne* at *Newburne*, near *Newcastle*, possessed themselves of *Newcastle*, and had a fair Opportunity to press on further upon the King's Army.

101. But



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101. But Duty and Reverence to his Majesty, and brotherly Love to the *English* Nation, made them stay there, whereby the King had Leisure to entertain better Counsels.

102. Wherein God so blessed and directed him, that he summoned the great Council of Peers to meet at *York* upon the 24th of *September*, and there declared a Parliament to begin the 3d of *November* then following.

103. The *Scots* the first Day of the great Council, presented an humble Petition to his Majesty, whereupon the Treaty was appointed at *Rippon*.

104. A present Cessation of Arms agreed upon, and the full Conclusion of all Differences referred to the Wisdom and Care of the Parliament.

105. At our first Meeting, all Oppositions seemed to vanish, the Mischiefs were so evident, which those Evil Counsellors produced, that no Man durst stand up to defend them. Yet the Work it self afforded Difficulty enough.

106. The multiplied Evils and Corruption of sixteen Years, strengthened by Custom and Authority, and the concurrent Interest of many powerful Delinquents were now to be brought to Judgment and Reformation.

107. The King's Household was to be provided for, they had brought him to that Want, that he could not supply his ordinary and necessary Expences without the Assistance of his People.

108. Two Armies were to be paid, which amounted very near to eighty thousand Pounds a Month.

109. The People were to be tenderly charged, having been formerly exhausted with many burthensome Projects.

110. The Difficulties seemed to be insuperable, which by the Divine Providence we have overcome. The Contrarieties incompatible, which yet in a great measure we have reconciled.

111. Six Subsidies have been granted, and a Bill of Poll-Money, which if it be duly levied, may equal six Subsidies more, in all six hundred thousand Pounds.

112. Besides we have contracted a Debt to the *Scots* of two hundred and twenty thousand Pounds, yet God hath so blessed the Endeavours of this Parliament, that the Kingdom is a great Gainer by all these Charges.

113. The Ship-Money is abolished, which cost the Kingdom above two hundred thousand Pound a Year.

114. The Coat and Conduct-Money, and other Military Charges are taken away, which in many Countries amounted to little less than the Ship-Money.

115. The Monopolies are all suppressed, whereof some few did prejudice the Subject above a Million yearly.

116. The Soap an hundred thousand Pounds.

117. The Wine three hundred thousand Pounds.

118. The Leather must needs exceed both, and Salt could be no less than that.

119. Besides the inferior Monopolies, which if they could be exactly computed, would make up a great Sum.

120. That which is more beneficial than all this is, that the Root of these Evils is taken away, which was the Arbitrary Power pretended to be in his Majesty, of taxing the Subject, or charging their Estates without Consent in Parliament, which is now declared to be against Law by the Judgment of both Houses, and likewise by an Act of Parliament.

121. Another Step of great Advantage is this, The living Grievances, the evil Counsellors and Actors of these Mischiefs have been so quelled.

122. By the Justice done upon the Earl of *Strafford*, the Flight of the Lord *Finch* and Secretary *Windebanck*.

123. The Accusation and Imprisonment of the Archbishop of *Canterbury*, of Judge *Bartlet*. And

124. The Impeachment of divers other Bishops and Judges, that it is like not only to be an ease to the present Times, but a Preservation to the future.

125. The Discontinuance of Parliaments is prevented by the Bill for a triennial Parliament, and the abrupt Dissolution of this Parliament by another Bill, by which it is provided, it shall not be dissolved or adjourned without the Consent of both Houses.



126. Which two Laws well considered, may be thought more advantageous than all the former, because they secure a full Operation of the present Remedy, and affords a perpetual Spring of Remedies for the future.

127. The *Star-Chamber*.

128. The High Commission.

129. The Courts of the President, and Council in the *North*, were so many Forges of Misery, Oppression, and Violence, and are all taken away, whereby Men are more secured in their Persons, Liberties, and Estates, then they could be by any Law or Example, for the Regulation of those Courts of Terror of the Judges.

130. The immoderate Power of the Council-Table, and the excessive Abuse of that Power is so ordered and restrained, that we may well hope that no such things as were frequently done by them, to the Prejudice of the publick Liberty, will appear in future Times but only in Stories, to give us and our Posterity more occasion to praise God for his Majesty's Goodness, and the faithful Endeavours of this Parliament.

131. The Canons and Power of Canon making, are blasted by the Votes of both Houses.

132. The exorbitant Power of Bishops and their Courts are much abated, by some Provisions in the Bill against the High-Commission Court, the Authors of the many Innovations in Doctrine and Ceremonies.

133. The Ministers that have been scandalous in their Lives, have been so terrified in just Complaints and Accusations, that we may well hope they will be more modest for the time to come; either inwardly convicted by the sight of their own Folly, or outwardly restrained by the fear of Punishment.

134. The Forests are by a good Law reduced to their right Bounds.

135. The Encroachments and Oppressions of the *Stannery-Courts*, the Extortions of the Clerk of the Market;

136. And the Compulsion of the Subject, to receive the Order of Knight-hood against his Will, paying of Fines for not receiving it, and the vexatious Proceedings thereupon for levying of those Fines, are by other beneficial Laws reformed and prevented.

137. Many excellent Laws and Provisions are in preparation for removing the inordinate Power, Vexation and Usurpation of Bishops, for reforming the Pride and Idleness of many of the Clergy, for easing the People of unnecessary Ceremonies in Religion, for censuring and removing unworthy and unprofitable Ministers, and for maintaining godly and diligent Preachers through the Kingdom.

138. Other things of main Importance for the good of this Kingdom, are in Proposition, though little could hitherto be done in regard of the many other more pressing Businesses, which yet before the end of this Session, we hope may receive some Progress and Perfection.

139. The establishing and ordering the King's Revenue, that so the Abuse of Officers, and Superfluity of Expences may be cut off, and the necessary Disbursements, for his Majesty's Honour, the Defence and Government of the Kingdom may be more certainly provided for.

140. The regulating of Courts of Justice, and abridging both the Delays and Charges of Law-Suits.

141. The settling of some good Courses for preventing the Exportation of Gold and Silver, and the Inequality of Exchanges betwixt us and other Nations, for the advancing of native Commodities, encrease of our Manufactures, and well-balancing of Trade, whereby the Stock of the Kingdom may be encreased; or at least kept from impairing, as through neglect hereof it hath done for many Years last past.

142. Improving the Herring-Fishing upon our own Coasts, which will be of mighty Use in the Employment of the Poor, and a plentiful Nursery of Mariners for enabling the Kingdom in any great Action.

143. The Oppositions, Obstructions, and other Difficulties wherewith we have been encountred, and which still lie in our way with some Strength and much Obstinacy are these: The malignant Party whom we have formerly described to be the Actors and Promoters of all our Misery they have taken heart again.

144. They

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144. They have been able to prefer some of their own Factors and Agents, to Degrees of Honour, to Places of Trust and Employment, even during the Parliament.

145. They have endeavoured to work in his Majesty ill Impressions and Opinions of our Proceedings, as if we had altogether done our own Work, and not his; and had obtained from him many Things very prejudicial to the Crown, both in respect of Prerogative and Profit.

146. To wipe out this Slander, we think good only to say thus much: That all that we have done, is for his Majesty, his Greatness, Honour, and Support, when we yield to give twenty five thousand Pound a Month for the Relief of the *Northern* Counties; this was given to the King, for he was bound to protect his Subjects.

147. They were his Majesty's evil Counsellors, and their ill Instruments that were Actors in those Grievances which brought in the *Scots*.

148. And if his Majesty please to force those who were the Authors of this War to make Satisfaction, as he might justly and easily do, it seems very reasonable that the People might well be excused from taking upon them this Burden, being altogether innocent and free from being any Cause of it.

149. When we undertook the Charge of the Army, which cost above 50000 *l.* a Month, was not this given to the King? Was it not his Majesty's Army? Were not all the Commanders under Contract with his Majesty at higher Rates and greater Wages than ordinary?

150. And have not we taken upon us to discharge all the Brotherly Assistance of three hundred thousand Pounds, which we gave the *Scots*? Was it not toward Repair of those Damages and Losses which they received from the King's Ships and from his Ministers?

151. These three Particulars amount to above 1100 thousand Pound.

152. Besides his Majesty hath received by Impositions upon Merchandise, at least 400 thousand Pounds.

153. So that his Majesty hath had out of the Subjects Purse since the Parliament began, one Million and a half, and yet these Men can be so impudent as to tell his Majesty, that we have done nothing for him.

154. As to the second Branch of this Slander, we acknowledge, with much Thankfulness, that his Majesty hath passed more good Bills to the Advantage of the Subjects, than have been in many Ages.

155. But withal, we cannot forget, that these venomous Councils did manifest themselves in some Endeavours to hinder these good Acts.

156. And for both Houses of Parliament, we may with Truth and Modesty say thus much: That we have ever been careful not to desire any thing that should weaken the Crown either in just Profit or useful Power.

157. The Triennial Parliament for the matter of it, doth not extend to so much, as by Law we ought to have required, (there being two Statutes still in force for a Parliament to be once a Year) and for the manner of it, it is in the King's Power, that it shall never take effect, if he by a time Summons shall prevent any other way of assembling.

158. In the Bill for Continuance of this present Parliament, there seems to be some Restraint of the Royal Power in dissolving of Parliaments, not to take it out of the Crown, but to suspend the Execution of it for this Time and Occasion only; which was so necessary for the King's own Security and the publick Peace, that without it we could not have undertaken any of these great Charges, but must have left both the Armies to Disorder and Confusion, and the whole Kingdom to Blood and Rapine.

159. The Star-Chamber was much more fruitful in Oppression than in Profit, the great Fines being for the most part given away, and the rest stalled at long Times.

160. The Fines of the High Commission were in themselves unjust, and seldom or never came into the King's Purse: These four Bills are particularly and more specially instanced.

161. In the rest there will not be found so much as a Shadow of Prejudice to the Crown.

162. They have sought to diminish our Reputation with the People, and to bring them out of Love with Parliaments.

163. The Aspersions which they have attempted this way, have been such as these.

164 That



164. That we have spent much time and done little, especially in those Grievances which concern Religion.

165. That the Parliament is a burthen to the Kingdom by the abundance of Protections which hinder Justice and Trade; and by many Subsidies granted much more heavy than any formerly endured.

166. To which there is a ready Answer, if the time spent in this Parliament, be considered in relation backward to the long Growth and deep Root of those Grievances, which we have removed, to the powerful Supports of those Delinquents, which we have pursued, to the great Necessities and other Charges of the Common-wealth, for which we have provided.

167. Or if it be considered in relation forward to many Advantages, which not only the present, but future Ages are like to reap by the good Laws and other Proceedings in this Parliament; we doubt not but it will be thought by all indifferent Judgments, that our time hath been much better employed, then in a far greater Proportion of time in many former Parliaments put together; and the Charges which have been laid upon the Subject, and the other Inconveniencies which they have born, will seem very light in respect of the Benefit they have and may receive.

168. And for the matter of Protections, the Parliament is so sensible of it, that therein they intended to give them whatsoever ease may stand with Honour and Justice; and are in a way of passing a Bill to give them Satisfaction.

169. They have sought by many subtle Practices, to cause Jealousies and Divisions betwixt us and our Brethren of *Scotland*, by slandering their Proceedings and Intentions towards us, and by secret Endeavours to instigate and incense them and us one against another.

170. They have had such a party of Bishops and Popish Lords in the House of Peers, as hath caused much Opposition and Delay in the prosecution of Delinquents, hindred the Proceedings of divers good Bills passed in the Commons House, concerning the Reformation of sundry great Abuses and Corruptions both in Church and State.

171. They have laboured to seduce and corrupt some of the Commons House, to draw them into Conspiracies and Combinations against the Liberty of the Parliament.

172. And by their Instruments and Agents, they have attempted to disaffect and discontent his Majesty's Army; and to ingage it for the maintenance of their wicked and trayterous Designs; the keeping up of Bishops in Votes and Functions, and by Force to compel the Parliament to order, limit, and dispose their Proceedings in such manner as might best concur with the Intentions of this dangerous and potent Faction.

173. And when one mischievous Design, and Attempt of theirs to bring on the Army against the Parliament, and the City of *London*, hath been discover'd and prevented;

175. They presently undertook another of the same damnable Nature, with this Addition to it, to endeavour to make the *Scottish* Army neutral, whilst the *English* Army, which they had laboured to corrupt and invenom against us, by their false and slanderous Suggestions, should execute their Malice to the Subversion of our Religion, and the Dissolution of our Government.

176. Thus they have been continually practising to disturb the Peace, and plotting the destruction even of all the King's Dominions; and have employed their Emissaries, and Agents in them, all for the promoting their devilish Designs, which the Vigilancy of those who were well-affected, hath still discovered and defeated before they were ripe for execution in *England* and *Scotland*.

177. Only in *Ireland*, which was farther off, they have had time and opportunity to mould and prepare their Work, and had brought it to that Perfection, that they had possessed themselves of that whole Kingdom, totally subverted the Government of it, routed out Religion, and destroyed all the Protestants whom the Conscience of their Duty to God, their King and Country would not have permitted to join with them, if by God's wonderful Providence their main Enterprize upon the City and Castle of *Dublin*, had not been detected and prevented upon the very Eve before it should have been executed.

178. Notwithstanding they have in other parts of that Kingdom broken out into open Rebellion, surprising Towns and Castles, committed Murders, Rapes,



An. 1641. and other Villanies, and shaken off all Bonds of Obedience to his Majesty, and the Laws of the Realm.

179. And in general have kindled such a Fire, as nothing but God's infinite blessing upon the Wisdom and Endeavours of this State will be able to quench it.

180. And certainly had not God, in his great Mercy unto this Land, discovered and confounded their former designs, we had been the Prologue to this Tragedy in *Ireland*, and had by this been made the lamentable Spectacle of Misery and Confusion.

181. And now what hope have we but in God, when as the only means of our Subsistence and Power of Reformation is under him in the Parliament.

182. But what can we the Commons, without the Conjunction of the House of Lords, and what Conjunction can we expect there, when the Bishops and Recusant Lords are so numerous, and prevalent, that they are able to cross, and interrupt our best endeavours for Reformation; and by that means give advantage to this malignant Party to traduce our Proceedings.

183. They infuse into the People, that we mean to abolish all Church Government, and leave every Man to his own Fancy, for the Service and Worship of God, absolving him of that Obedience which he owes under God unto his Majesty; whom we know to be intrusted with the Ecclesiastical Law as well as with the Temporal, to regulate all the Members of the Church of *England*, by such Rules of Order and Discipline as are established by Parliament; which is his great Council, in all Affairs both in Church and State.

184. We confess our Intention is, and our Endeavours have been to reduce within bounds that exorbitant Power, which the Prelates have assumed unto themselves, so contrary both to the Word of God, and to the Laws of the Land; to which end we past the Bill for the removing them from their Temporal Power and Employments; that so the better they might with Meekness apply themselves to the discharge of their Functions, which Bill themselves opposed, and were the principal Instruments of crossing it.

185. And we do here declare, that it is far from our Purpose or Desire, to let loose the golden Reins of Discipline and Government in the Church, to leave private Persons or particular Congregations to take up what Form of Divine Service they please, for we hold it requisite that there should be throughout the whole Realm a Conformity to that Order which the Laws enjoin according to the Word of God. And we desire to unburthen the Consciences of Men of needless and superstitious Ceremonies, suppress Innovations, and take away the Monuments of Idolatry.

186. And the better to effect the intended Reformation, we desire there may be a General Synod of the most Grave, Pious, Learned, and Judicious Divines of this Island; assisted with some from Foreign Parts, professing the same Religion with us; who may consider of all things necessary for the Peace and good Government of the Church, and represent the Results of their Consultations unto the Parliament, to be there allowed of and confirmed, and receive the Stamp of Authority, thereby to find Passage and Obedience throughout the Kingdom.

187. They have maliciously charged us, that we intend to destroy, and discourage Learning, whereas it is our chiefest Care and Desire to advance it, and to provide a competent Maintenance for conscionable and preaching Ministers throughout the Kingdom, which will be a great Encouragement to Scholars, and a certain means whereby the Want, Meanness, and Ignorance, to which a great part of the Clergy is now subject, will be prevented.

188. And we intended likewise to reform, and purge the Fountains of Learning, the two Universities, that the Streams flowing from thence may be clear and pure, and an Honour and Comfort to the whole Land.

189. They have strained to blast our Proceedings in Parliament, by wresting the Interpretations of our Orders from their genuine Intention.

190. They tell the People that our meddling with the Power of Episcopacy, hath caused Sectaries and Conventicles, when Idolatry and Popish Ceremonies introduced into the Church by the command of the Bishops, have not only debarred the People from thence, but expelled them from the Kingdom.

191. Thus with *Eliab*, we are called by this malignant Party the Troublers of the State, and still while we endeavour to reform their Abuses, they make us the Authors of those Mischiefs we study to prevent.

192. For



192. For the perfecting of the Work begun, and removing all future Impediments, we conceive these Courses will be very effectual, seeing the Religion of the Papists hath such Principles as do certainly tend to the Destruction and Extirpation of all Protestants when they shall have Opportunity to effect it.

194. It is necessary in the first Place to keep them in such Condition, as that they may not be able to do us any hurt, and for avoiding of such Connivance and Favour as hath heretofore been shewed unto them.

195. That his Majesty be pleased to grant a standing Commission to some choice Men named in Parliament, who may take notice of their Increase, their Counsels and Proceedings, and use all duemean by Execution of the Laws to prevent all mischievous Designs against the Peace and Safety of this Kingdom.

196. That some good Course be taken to discover the counterfeit and false Conformity of Papists to the Church, by Colour whereof Persons very much disaffected to the true Religion, have been admitted into Places of greatest Authority and Trust in the Kingdom.

197. For the better Preservation of the Laws and Liberties of the Kingdom, that all illegal Grievances and Exactions be presented and punished at the Sessions and Assizes.

198. And that Judges and Justices be very careful to give this in Charge to the Grand Juries, and both the Sheriff and Justices to be sworn to the due Execution of the Petition of Right, and other Laws.

199. That his Majesty be humbly petitioned by both Houses, to employ such Counsellors, Ambassadors, and other Ministers in managing his Business at home and abroad, as the Parliament may have cause to confide in, without which we cannot give his Majesty such Supplies for support of his own Estate, nor such Assistance to the Protestant Party beyond the Sea as is desired.

200. It may often fall out, that the Commons may have just Cause to take Exceptions at some Men for being Counsellors, and yet not charge those Men with Crimes, for there be Grounds of Diffidence which lie not in Proof.

201. There are others, which though they may be proved, yet are not legally Criminal.

202. To be a known Favourer of Papists, or to have been very forward in defending or countenancing some great Offenders questioned in Parliament; or to speak contemptuously of either Houses of Parliament, or Parliamentary Proceedings;

203. Or such as are Factors or Agents for any Foreign Prince of another Religion; such are justly suspected to get Counsellors Places, or any other of Trust, concerning publick Employment for Money; for all these and divers others we may have great Reason to be earnest with his Majesty, not to put his great Affairs into such Hands, though we may be unwilling to proceed against them in any legal way of Charge or Impeachment.

204. That all Counsellors of State may be sworn to observe those Laws which concern the Subject in his Liberty, that they may likewise take an Oath not to receive, or give Reward or Pension from any Foreign Prince, but such as they shall within some reasonable Time discover to the Lords of his Majesty's Council.

205. And although they should wickedly forswear themselves, yet it may herein do Good, to make them known to be false and perjured to those who employ them, and thereby bring them into as little Credit with them as with us.

206. That his Majesty may have Cause to be in love with good Counsel and good Men, by shewing him in an humble and dutiful Manner, how full of Advantage it would be to himself, to see his own Estate settled in a plentiful Condition to support his Honour, to see his People united in Ways of Duty to him, and Endeavours of the publick Good, to see Happiness, Wealth, Peace and Safety derived to his own Kingdom, and procured to his Allies by the Influence of his own Power and Government.

17 Car.



An. 1641.

King's Answer to the Petition that attended the Remonstrance.

His Majesty's Answer to the Petition which accompanied the Declaration presented to him at Hampton-Court, 1. Decemb. 1641.

**W**E having received from you, soon after Our return out of Scotland, a long Petition, consisting of many Desires of great moment, together with a Declaration of a very unusual Nature annexed thereunto, We had taken some time to consider of it, as befitted Us in a matter of that Consequence, being confident that your own Reason and Regard to Us, as well as Our express Intimation, by Our Comptroller, to that purpose, would have restrained you from the publishing of it, till such time as you should have received Our Answer to it; but, much against Our Expectation, finding the contrary, that the said Declaration is already abroad in Print, by Directions from your House, as appears by the Printed Copy, We must let you know, that We are very sensible of the Disrespect. Notwithstanding, it is Our Intention, that no Failing on your Part shall make Us fail in Ours, of giving all due Satisfaction to the Desires of Our People, in a Parliamentary way; and therefore We send you this Answer to your Petition, reserving Our Self in point of the Declaration, which We think Unparliamentary, and shall take a Course to do that which We shall think fit in Prudence and Honour.

To the Petition, We say, That although there are divers Things in the Preamble of it, which We are so far from admitting, that We profess, We cannot at all understand them, as, of a Wicked and Malignant Party prevalent in the Government; of some of that Party admitted to Our Privy-Council, and to other Employments of Trust, and nearest to Us and Our Children; of Endeavours to sow among the People, false Scandals and Imputations, to blemish and disgrace the Proceedings of the Parliament: All, or any of which, did We know of, We should be as ready to Remedy and Punish, as you to complain of; so that the Prayers of your Petition are grounded upon such Premises, as We must in no wise admit; yet, notwithstanding, We are pleased to give this Answer to you.

To the first, concerning Religion, consisting of several Branches, We say, That for preserving the Peace and Safety of this Kingdom, from the Design of the Popish Party, We have, and will still, concur with all the Just Desires of Our People, in a Parliamentary way. That for the depriving of the Bishops of their Votes in Parliament, We would have you consider, that their Right is grounded upon the Fundamental Law of the Kingdom, and Constitution of Parliament. This We would have you consider; but since you desire Our Concurrence herein, in a Parliamentary way, We will give no further Answer at this Time.

As for the abridging of the Inordinate Power of the Clergy, We conceive that the taking away of the High-Commission-Court hath well moderated that; but if there continue any Usurpations or Excesses in their Jurisdictions, We therein neither have, nor will protect them.

Unto that Clause which concerneth Corruptions (as you stile them) in Religion, in Church Government, and in Discipline, and the removing of such unnecessary Ceremonies as weak Consciences might check, That for any Illegal Innovations, which may have crept in, We shall willingly concur in the Removal of them. That if Our Parliament shall advise Us to call a National Synod, which may duly examine such Ceremonies as give just Cause of Offence to any, We shall take it into Consideration, and apply Our self to give due Satisfaction therein; but we are very sorry to hear in such General Terms, Corruption in Religion objected, since We are perswaded in our Conscience, that no Church can be found upon the Earth that professeth the true Religion with more Purity of Doctrine than the Church of England doth, nor where the Government and Discipline



Discipline are jointly more beautified, and free from Superstition, then as they are here Established by Law, which, by the Grace of God, We will with Constancy maintain (while we live) in their Purity and Glory, not only against all Invasions of Popery, but also from the Irreverence of those many Schismatics and Separatists, wherewith of late this Kingdom and this City abounds, to the great Dishonour and Hazard both of Church and State, for the Suppression of whom We require your timely Aid and active Assistance.

To the second Prayer of the Petition, concerning the Removal and Choice of Counsellors, We know not any of Our Council to whom the Character set forth in the Petition can belong. That by those whom We had exposed to Trial, We have already given you sufficient Testimony, that there is no Man so near unto Us in Place, or Affection, whom We will not leave to the Justice of the Law, if you shall bring a particular Charge, and sufficient Proofs against him; and of this We do again assure you; but in the mean time We wish you to forbear such general Aspersions as may reflect upon all Our Council, since you name none in particular.

That for the Choice of Our Counsellors and Ministers of State, it were to debar Us that Natural Liberty all Freemen have; and as it is the undoubted Right of the Crown of England, to call such Persons to Our secret Councils, to publick Employment, and Our particular Service, as We shall think fit, so We are, and ever shall be very careful to make Election of such Persons, in those Places of Trust, as shall have given good Testimonies of their Abilities and Integrity, and against whom there can be no just Cause of Exception, whereon reasonably to ground a Diffidence; and to Choices of this Nature, We assure you that the Mediation of the nearest unto Us hath always concurred.

To the third Prayer of your Petition concerning Ireland, We understand your desire of not alienating the forfeited Lands thereof, to proceed from much Care and Love, and likewise, that it may be a Resolution very fit for Us to take; but whether it be seasonable to declare Resolutions of that Nature, before the Events of a War be seen, that We much doubt of. Howsoever, We cannot but thank you for this Care, and your chearful Engagement for the Suppression of that Rebellion; upon the speedy Effecting whereof, the Glory of God in the Protestant Profession, the Safety of the British there, Our Honour, and that of the Nation so much depends; all the Interests of this Kingdom being so involved in that Business, We cannot but quicken your Affections therein, and shall desire you to frame your Counsels, to give such Expedition to the Work, as the Nature thereof, and the Pressures in Point of Time require; and whereof you are put in mind by the daily Insolence and Increase of those Rebels.

For Conclusion; your Promise to apply your selves to such Courses as may support Our Royal Estate with Honour and Plenty at Home, and with Power and Reputation Abroad, is that which We have ever promised Our Self, both from your Loyalties and Affections, and also for what We have already done, and shall daily go adding unto, for the Comfort and Happiness of Our People.

Most Dread Sovereign,

**T**HE Observation taken from the unlike Compositions, and various Motions of the World, made the Philosopher conclude, *Tota hujus mundi concordia ex discordibus constat.*

The Happy Conjunction of both these Nations, in the Triumph and Joy of your Sacred Presence, extracted from the different and divided Dispositions and Opinions, gives us Cause to observe and admire these blessed Effects, from such contrary Causes; we may without Flattery, commend your Sacred Majesty, the Glorious Instrument of this happy Change, whose Piety and Prudence, directed by the Hand of God, hath contracted this Union from these various Discords.

The Story of these Times, will seem Paradoxes in following Generations, when they shall hear of Peace sprung from the Root of Dissention, of Union planted upon the Stock of Division, two Armies in the Field, both ready to strike the first Blow, but both United without a Stroke.

17 Caroli.

The Speaker's Speech to the King, at his passing the Bill for Tonage and Poundage, being the first Time that his Majesty came to the Parliament, after his return from Scotland.

Nothing



An. 1641.

Nothing can reduce these Truths into a Belief, but the Knowledge of your Piety and Justice, who hath accomplished these Acts of Wonder by Goodness and Gentleness, without Force and Violence.

This way of Conquest, this (*Bellum Incruentum*) hath been the Rule of the most Valiant and Puissant Monarchs, advancing your Glory, in Safeguard of one Subject, more than in the Death of a thousand Enemies.

Thus have you erected a Monument of Glory to your Sacred Memory for all Generations.

And as your Care and Piety for the Welfare of your Northern Kingdom, called you to that Work, for the great Comfort of your People, which your Wisdom hath so happily Consummated, so now the Distemper of your other Kingdom (fomented by the same Spirits whose Presence admits no Peace in Israel) calls on your Providence to heal the Diseases of that Nation.

The one, from whence you returned, hath with Abel (though the Elder Brother) offered an acceptable Sacrifice; the other, with Cain, hath erected Altars for Blood and Revenge, (the old Immolations of Levitical Priesthood) which invokes the Necessity of your Justice.

The one to a Natural, hath added a Politick Brotherhood.

The other of Brothers (I am sorry to say it) are become Strangers.

The Fidelity of the one, hath written a Story of Admiration to the World.

The Disloyalty of the other, hath paralleled that horrid Design (matchless before amongst all Generations) first, in their Intentions, the Destruction of a Kingdom, even when Unity and Peace was tying the Knot of Religion and Safety.

In the Discovery, a moment of Time prevented the Execution.

In the Actors (Jesuits and Priests) without whom the Malice of the Devil could not have found a Party in the World fitted to act over the like Bloody Tragedy.

But this, amongst our many Joys we receive by your happy Return, is not the least; nay, 'tis the greatest that that Providence, which protected that Gracious King, your most Religious Father, from that Bloody Attempt, and increased the Blessing of so long and blessed Reign, hath also defended your Sacred Throne from all their Machinations.

Thus we see Religion is the greatest Policy, the never failing Support of King and Kingdom, that which firms you and your Posterity to your Throne, and our Duty and Obedience to it.

Give me leave here, most Gracious Sovereign, to sum up the Sense of Eleven Months Observation, without Intermission (scarce) of a Day; nay, an Hour in that Day, to the hazard of Life and Fortune, and to reduce all into this Conclusion: The Endeavours of your Commons assembled, guided by your Pious and Religious Example, is to preserve Religion in its Purity, without Mixture or Composition, against these subtle Endeavours, and with our Lives and Fortunes, to Establish these Thrones to your Sacred Person, and those Beams of Majesty, your Royal Progeny, against Treason and Rebellion.

The Ways that conduce to this End, are the Defence of the Land and Sea; for the one, we have already voted to raise Monies, for the other, this Bill in some measure, will accomplish, for a little Time: And to that end, I, by the Command of the Commons, humbly beseech your Royal Assent.

My Lords and Gentlemen,

I Think it fit, after so long Absence, at this first Occasion, to speak a few Words unto you, but is no ways in Answer to Mr. Speaker's Learned Speech: Albeit, I have staid longer than I expected to have done when I went away, yet in this I have kept my Promise with you, that I have made all the haste back again, that the settling of my Scotch Affairs could any ways permit; in which I have had so good Success, that I will confidently affirm to you, that I have left that Nation a most peaceable and contented People; so that although I have a little misreckoned in Time, yet I was not deceived in my End.

But if I have deceived your Expectations a little, in the Time of my return, I am assured, that my Expectation is as much, and more received, in the Condition wherein I hoped to have found Business at my return; for since that, before my going, I settled the Liberties of my Subjects, and gave the Laws a free and orderly Course, I expected to have found my People reaping the Fruits of these Benefits, by living in Quietness and Satisfaction of Mind; but instead of this, I find them disturbed with Jealousies, Frights, and Alarms

His Majesty's Speech to both Houses of Parliament, Dec. 2. 1641, taking notice that He finds the Parliament disturbed with Frights, Fears, and Alarms of dangerous Designs and Plots.



of dangerous Designs and Plots; in consequence of which, Guards have been set to defend both Houses. I say not this, as in doubt that my Subjects Affections are any way lessened to me in this Time of my Absence, for I cannot but remember, to my great Comfort, the joyful Reception I had now at my Entry into L O N D O N, but rather, as, I hope, that my Presence will easily disperse these Fears, for I bring as perfect and true Affections to my People as ever Prince did, or as good Subjects can possibly desire. And I am so far far from repenting me of any Act I have done in this Session, for the Good of my People, that I protest, if it were to do again, I would do it, and will yet grant what else can be justly desired for Satisfaction in Point of Liberties, or in Maintenance of the true Religion that is here Established.

Now I have but one Particular to recommend unto you at this Time, it is Ireland, for which, though I doubt not your Care, yet methinks the Preparations for it go but slowly on. The Occasion is the fitter for me now to mention, because of the Arrival of two Lords from Scotland, who come Instructed from my Council there (who now by Act of Parliament have full Power for that purpose) to answer that Demand, which it pleased both Houses to make me, by way of Petition, that met me at Berwick, and which the Duke of Richmond sent back, by my Command, to my Scotch Council: Therefore my Desire is, that both Houses would appoint a select Committee to end this Business with these Noblemen. I must conclude in telling you, that I seek my People's Happiness; for their flourishing is my greatest Glory, and their Affections my greatest Strength.

A Petition was this Day delivered to the House of Commons, in the Names of divers Colonels and Officers, in the late Army in the North, for Relief, in many Particulars complained of, and prayed for a speedy Answer, to prevent their Attendance.

Whereas his Majesty declared the other Day, that there were two Scotch Lords come up by his Assent, to treat with both Houses of Parliament, concerning the present Assistance of Ireland, and to settle all the Conditions and State of that War, his Majesty thought fit there should be Commissioners appointed by himself and the House of Commons, to treat with the Scots Commissioners, and to be Authorized by the King's Commission, and both Houses of Parliament.

Upon this the Parliament prepared Instructions for their Commissioners to treat with the Scots, and to express the Thanks of both Houses, for their Readiness to assist this Kingdom against the Rebels in Ireland, and that the 5000 Men they have raised, may be forthwith Transported.

The House again re-assumed the Debate of Daniel O Neal, where, upon the Question, this Vote followed, That it is proved that Daniel O Neal, did upon the second Design, in or about June or July last, publish false Rumours in the Army, and did perswade the Chief Officers to take part with the King against the Parliament, to awe the Parliament, and to interrupt their Proceedings.

The House of Commons being informed that the Rebels in Ireland had, by the Lord Costelough, presented the Lords Justices of that Kingdom with a scandalous Letter, in the Nature of a Remonstrance, full of pretended Grievances, and unreasonable Demands, as, to have free Exercise of their Religion, a Repeal of all Laws to the contrary, &c. And that the said Lord Costelough, together with the Lord Taaff, were on their way for England, with some Propositions to be offered to his Majesty, or Instructions touching Means for procuring the Peace of that Kingdom; it was thereupon, after a solemn Debate, resolved by the Lords and Commons, That they would never give Consent to any Toleration of the Popish Religion

17 Car.

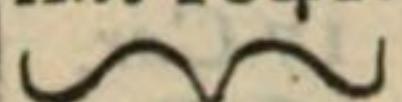
A Petition of divers Colon. and Officers in the late Northern Army, desiring a speedy Answer. Scots Commissioners are come up to treat about sending Forces to Ireland.

Daniel O Neal voted guilty of a second Design to perswade the Army to take part against the Parliament.

The two Houses resolve never to consent to a Toleration of Popery in Ireland.



An. 1641.



Sir Benjamin  
Rudyard's  
Speech a-  
gainst Tolle-  
ration to be  
granted to  
the Irish, 8th  
Decemb. 1641.

ligion in Ireland, or in any other his Majesties Dominions. And during this Debate, Sir Benj. Rudyard made the Speech following.

Mr. Speaker,

**P**Eradventure I could have wished, that Toleration of Religion had not at this time come in Question; but now it is brought on the Stage, I am brought to the Stake. When Religion is so nearly concerned, I love not to take any Civil or Politick Respects into Consideration; Reason of State hath almost eaten up all the Laws and Religion of Christendom.

I have often heard it discoursed, whether we should make Religion an Argument of any of our Undertakings Abroad; wherein the wiser Sort have been very Nice and Tender, believing, that the over Number of Papists, would everwhelm us; yet I have been long of Opinion, that Attempts and Assistance have so often miscarried, because we have not boldly and publickly avowed our Religion. It may be, God thinks we are too many, who can Conquer as well with Few as with Many. Shall the Irish now make their Religion the Cause of their Rebellion, and shall we be ashamed or afraid to maintain our Religion, in reducing them to their Duty and Obedience: God will not Honour them who do not Honour him. Let us remember the Expostulations in the Chronicles, Why transgress ye the Commandments of God, so that ye cannot Prosper? This is a great Transgression, to shrink from God in his Truth.

When we deny the Irish a Toleration, we do not withdraw the Eases and Favours they have heretofore enjoyed, greater I am sure then they would afford us, if we were in their Power: Wherefore Mr. Speaker, let us uphold our Religion, and trust God with the Success.

A Watch put  
upon the Par-  
liament  
without  
their Con-  
sent.

The House of Commons, being informed a Watch was set without their Privy near the Parliament, sent a Serjeant at Arms to require those who Commanded the Halberteers and Watch, that was set upon the House, to come to the Bar; whereupon the Bailiff of the Liberty of the Duchy of Lancaster was called in, and being demanded by what Authority he brought armed Men about the Parliament, without their Consent, he said the Sheriff received a Writ to that Purpose, and they received a Warrant from the Justices of the Peace.

The House  
resolved to  
discharge  
that Guard.

Whereupon it was resolved in the House of Commons, that the setting of any Guards about the Commons House of Parliament, without their Consent, was a Breach of the Privilege of the House; and that therefore such Guards ought to be Discharged; and they further Resolved upon the Question, that this Guard should be immediately Discharged by the Command of this House.

By the KING.

A Proclamation for Obedience to the Laws, ordained for the Establishing of the true Religion in this Kingdom of England.

The Kings  
Proclamati-  
on touching  
Religion and  
Common-  
Prayer.  
Decemb. 10th,  
1641.

**H**IS Majesty considering it is a Duty most befitting, and that most obligeth Sovereign Authority in a Christian King to be careful (above all other Things) of preserving and advancing the Honour and Service of Almighty God, and the Peace and Tranquillity of the Church; to which end his Majesty with his Parliament hath it under Consideration, how all just Scruples may be removed; and being in the mean time sensible that the present Division, Separation, and Disorder about the Worship and Service of God, as it is Established by the Laws and Statutes of this Kingdom in the Church of England, tendeth to great Distraction and Confusion, and may endanger the Subversion of the very Essence and Substance of true Religion: Hath resolved, for the Preservation of Unity and Peace, which is most necessary at this time for the Church of England, require Obedience to the Laws and Statutes ordained for the Establishing of the true Religion in this Kingdom, whereby the Honour of God may be advanced, to the great Comfort and Happiness both of his Majesty and his good Subjects.



His Majesty doth therefore Charge and Command, That Divine Service be performd in this his Kingdom of England, and Dominion of Wales, as is appointed by the Laws and Statutes Established in this Realm; and that Obedience be given by all his Subjects, Ecclesiastical and Temporal, to the said Laws and Statutes concerning the same. And that all Judges, Officers, and Ministers Ecclesiastical and Temporal, according to Justice, and their respective Duties, do put the said Acts of Parliament in due Execution, against all wilful Contemners and Disturbers of Divine Service, contrary to the said Laws and Statutes.

His Majesty doth further command, that no Parsons, Vicars or Curates in their several Parishes shall presume to introduce any Rite or Ceremonies, other than those which are Established by the Laws and Statutes of the Land.

Dated the 10th of Decemb. in the seventeenth Year of his Majesty's Reign.

A Proclamation issued for the Attendance of the Members in both Houses of Parliament, requiring all Members to repair to the Parliament, at or before the 12th of January next, and give their due and diligent Attendance: To the end that this Kingdom may fully enjoy the Benefit and Happiness which his Majesty intendeth unto them, by Summoning and Continuing of this Parliament.

Proclamation for Members of Parliament to attend.

### His Majesty's Speech to both Houses, 14th December, 1641.

My Lords and Gentlemen,

THE last Time I was in this Place, and the last Thing that I recommended unto you, was the Business of Ireland, whereby I was in good hope that I should not have needed again to have put you in mind of that Business. But still seeing the slow Proceedings therein, and the daily dispatches that I have out of Ireland, of the lamentable Estate of my Protestant Subjects there; I cannot but again earnestly recommend the Dispatch of that Expedition unto you, for it is the chief Business that at this Time I take to Heart; and there cannot (almost) be any Business that I can have more care of. I might now take up some of your Time in expressing my Detestation of Rebellions in general, and of this in particular. But knowing that Deeds and not Declarations must suppress this great Insolency; I do here in a word offer you whatsoever my Power, Pains, or Industry can contribute to this good and necessary Work of reducing the Irish Nation to their true and wonted Obedience.

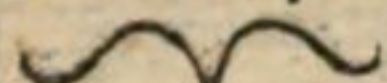
His Majesty's Speech to both Houses, 14th of December 1641.

And that nothing may be omitted on my Part, I must here take notice of the Bill for pressing of Soldiers, now depending among you, my Lords; concerning which I here declare, That in case it come so to me, as it may not Infringe or Diminish my Prerogative, I will pass it. And further, seeing there is a Dispute raised (I being little beholden to him whosoever at this Time began it) concerning the Bounds of this ancient and undoubted Prerogative, to avoid further Debate at this Time, I offer, that the Bill may pass with a Salvo Jure, both for King and People, leaving such Debates to a Time that may better bear it. If this be not accepted, the Fault is not mine that this Bill pass not, but theirs that refuse so fair an Offer.

To Conclude, I conjure you, by all that is or can be dear to you or Me, That laying away all Disputes, you go on chearfully and speedily for the reducing of Ireland.



An. 1641.



The humble  
Petition of  
the Lords  
and Com-  
mons in Par-  
liament, con-  
cerning his  
Majesty's  
Speech of  
the 14th of  
Decem. 1641  
to vindicate  
their Privi-  
leges.

## To the King's most Excellent Majesty,

The humble Petition of the Lords and Commons in Parliament, concerning His Majesty's Speech of the 14th of December, 1641.

Most Gracious Sovereign,

**Y**OUR Majesty's most humble and loyal Subjects the Lords and Commons in Parliament, do with all Faithfulness and Zeal to your Majesty's Service, acknowledge your Royal Favours and Protection to be a great Blessing and Security to them, for the enjoying and preserving all those publick and private Liberties and Privileges which belong unto them; and whensoever any of those Liberties or Privileges shall be invaded or broken, they hold themselves bound with Humility and Confidence to resort to your Princely Justice for Redress and Satisfaction. And because the Rights and Privileges of Parliament are Birth-right and Inheritance not only of themselves, but of the whole Kingdom, wherein every one of your Subjects is interested: The Maintenance and Preservation whereof doth very highly conduce to the publick Peace and Prosperity of your Majesty and all your People; they conceive themselves more-especially obliged with all Humbleness and Care, yea, with all Earnestness and Constancy of Resolution, and endeavour to maintain and defend the same: Amongst other the Privileges of Parliament, they do with all dutiful Reverence to your most Excellent Majesty declare, that is, their Ancient and undoubted Right; That your Majesty ought not to take notice of any Matter in Agitation and Debate in either Houses of Parliament, but by their Information and Agreement, and that your Majesty ought not to propound any Condition, Provision, or Limitation to any Bill or Act in debate, or Preparation in either Houses of Parliament; or to manifest or declare your Consent, or Dissent, Approbation or Dislike of the same, before it be presented to your Majesty in due Course of Parliament; and that every particular Member of either House hath free Liberty of Speech to propound or debate any Matter according to the Order and Course of Parliament; And that your Majesty ought not to conceive Displeasure against any Man for such Opinions and Propositions as shall be delivered in such Debate, it belonging to the several Houses of Parliament respectively to judge and determine such Errors and Offences in Words or Actions, as shall be committed by any their Members, in the handling or debating any Matters depending.

They do further declare, That all the Privileges above-mentioned have been lately broken, to the great Sorrow and Grievance of your most humble and faithful Subjects in that Speech which your Majesty made in Parliament, to both Houses, upon Tuesday last, the fourteenth of this present Month of December, in that your Majesty did therein take notice of a Bill for Impresssing of Soldiers, being in Agitation in the said Houses, and not agreed upon; and that your Majesty did therein offer a Salvo Jure, or provisional Clause to be added to that Bill, before it was presented to your Majesty, by the Consent of both Houses; and did at the same Time declare your Displeasure against such Persons, as had moved some Doubt or Question concerning the same Bill. All which they do affirm and declare to be against the Ancient, Lawful and Undoubted Privileges and Liberties of Parliament.

And therefore they most humbly beseech your Majesty by your Royal Power and Authority, to maintain and protect them in these and all other the Privileges of your High Court of Parliament, that you will not for the Time to come, break or interrupt the same. And that none of your Loyal Subjects may suffer or sustain any Prejudice in your Majesty's Favour or good Opinion for any thing done or spoken in Parliament. And for the Reparation of your Loyal Subjects in this their just Grievance and Complaint, for the Breaches of their Privileges above-mentioned, and Prevention of the like for the time to come; That your Majesty will be pleased to declare, and make known the Name or Names of the Person or Persons, by whose Misformation and evil Counsel, your Majesty was induced to the same, that so he or they may receive such condign Punishment as shall appertain to Justice in that behalf. And this they most humbly desire, and as your greatest and most faithful Counsel shall Advise your Majesty to perform, as that which will be not only a Comfort to themselves, but likewise a great Advantage to your Majesty by procuring and confirming such a Confidence and Unity betwixt your Majesty and your People, as may be a Foundation of Honour, Safety and Happiness to your Person and Throne, as they stand bound always to pray for and endeavour.



A Report being made to the House of Commons, That His Majesty intended to remove Sir *William Balfore*, Lieutenant of the Tower, from his place, They ordered that the said Sir *William* should have notice to attend the next day; who appearing accordingly, was examined about his said removal, and the Causes thereof; after which the House fell into Debate thereupon, and touching their petitioning His Majesty for the said Sir *William's* continuance in the said Charge; but on the day following (*Decemb. the 23d.*) Sir *William* resign'd the Keys of the Tower to His Majesty, and Colonel *Lunsford* was appointed to be Lieutenant thereof, who on the 24th of *Decemb.* was sworn and put into possession of that Place by the Lord Privy-Seal and the Earl of *Dorset*, by Order from His Majesty.

In the mean time, on the 23d. the following Petition was presented to the Commons.

To the Honourable the Knights, Citizens and Burgeses of the Commons House of Parliament.

The humble Petition of divers Common-Council Men, and others of the City of *London*.

Sheweth,

**T**HAT whereas the Tower of London was Originally ordained for Defence of this City, and to be the chief Magazine of the Kingdom, and that the whole State is deeply Interested in the safe Custody thereof, but more especially the said City, which lately hath been put into fears of some dangerous Design from that Citadel; whereupon it pleased this High Court to mediate with His Majesty, for removing those Fears; and whereas the Petitioners are informed, That Sir *William Balfore*, a Person of Honour and Trust, is displaced from the Office of Lieutenant, and the same Place bestowed upon Colonel *Lunsford*, a Man Outlawed, and most notorious for Outrages, and therefore fit for any dangerous Attempt: The Petitioners and many more who have intelligence thereof, are thereby put into such an height of Fear and Jealousie, as makes them restless till they have discharged their Duty in representing the same to this Honourable House.

May it therefore please this Honourable Assembly, to take the Premises into such consideration, as may secure both the City and Kingdom against the Mischeifs which may happen, as to your great Wisdom shall be found most fitting.

And your Petitioners shall ever pray, &c.

Randal Manwaring,  
Maximilian Beard,  
Edward Gitting,  
John Pocock,  
Samuel Warner,

George Thompson,  
Stephen Estwich,  
Richard Price,  
Richard Turner.

After some Debate of the Matter of this Petition, the Commons desired a Conference with the Lords, at which they communicated the said Petition; and added, That it was the Opinion of the House of Commons, that Colonel *Lunsford* was an unfit Person for so great a Trust, as the Lieutenantcy of the Tower; for which they offered their Lordships these Reasons:

1. Because the said Colonel *Lunsford* is a Man of a decayed and desperate Fortune, and so may be tempted to undertake any ill Design, and they conceive it will be very prejudicial to the King and Kingdom for him, to be in that Place in this time of Fears and Jealousies; especially to the *Mint*, in this time of great occasions to use Monies; for it will discourage Merchants and Strangers from bringing in their Bullion into the *Mint*.

R r r 2

2. That

17 Caroli.

Dec the 20th.  
Report of Sir  
William Bal-  
fores' removal  
from the Lieu-  
tenancy of the  
Tower.

Colonel Luns-  
ford made  
Lieutenant.

Citizens Peti-  
tion against  
Colonel Luns-  
ford.

The Commons  
Reasons at a  
Conference  
against Colonel  
Lunsford.



17 Caroli.

2. That the said Colonel *Lunsford* is a Man of a desperate Condition, he having been formerly censured in the *Star-Chamber*, for lying in wait and besetting Sir *Thomas Pelham* Knt. as he came in his Coach upon a Sunday from Church, and did discharge two Pistols into the Coach; also being challenged into the Field by one Captain *Buller*, upon some injury offered to him, by the said Colonel *Lunsford*, Colonel *Lunsford* refused to Answer him, but sent him word he would cut his Throat, and would meet him with a Pistol; and put out his other Eye.

3. That they are informed, That Colonel *Lunsford* is not right in Principles as to Religion, for they understand, that when he was a Commander in the *North*, in the King's Army, he did not go to Church tho' he was desired.

For which Reasons the House of Commons conceiving this Affair concerns the Safety of the King, City, and Kingdom, do desire their Lordships Concurrence in a Remonstrance of these things to His Majesty, and to desire him that a Place of such Importance may not be put into the hands of such a Man as Colonel *Lunsford*; but if His Majesty think cause that there should be a Lieutenant of the *Tower*, the same being already under the Command of such an Honourable Person as the Earl of *Newport*, who is Constable thereof by His Majesty's appointment, then that Sir *John Coniers* may be recommended to His Majesty for that place.

Sir John Coniers to be recommended to His Majesty for Lieutenant.

The Lords refuse to joyn in an Address for removing Lunsford

Commons Vote against Lunsford.

Second Conference about Lunsford.

The Lords taking this Affair into Debate, did the next day, being Fryday Decemb. the 24th return Answer, That they have not thought fit to joyn with the Commons in the Remonstrance or Address desired, touching removing Colonel *Lunsford*; their Lordships conceiving the same would be an Intrenchment on His Majesty's Prerogative.

Whereupon the House of Commons passed the following Vote; Resolved upon a Question Nemine Contradicente, That this House holds Colonel *Lunsford* unfit to be, or continue Lieutenant of the *Tower*, as being a Person whom the Commons of England cannot confide in.

And also sent to the Lords to desire a second Conference on that Subject; and Mr. *Hollis*, Mr. *Pym*, Mr. *Strode*, Sir *Edmond Montfort*, Mr. *Glyn*, Sir *Philip Stapleton*, Mr. *Martin*, and Sir *John Hotham* were appointed to draw up Heads for that Conference.

At which they further importuned their Lordships, that both Houses might joyn in an humble Petition for removing Colonel *Lunsford*; further alledging, that they already find ill Consequences by his being Lieutenant, for Merchants have already withdrawn their Bullion out of the *Mint*; And Strangers who have Ships lately come in with great store of Bullion, do forbear to bring it into the *Mint*, because he is Lieutenant of the *Tower*, and by this means, Money will be scarce to come by; which will be prejudicial and obstructive to the pressing Affairs of *Ireland*. And the Commons having taken their Lordships Refusal to joyn with them in such a Petition into consideration, have made a Declaration for themselves, and desire that the same may be entred into the Journal of the House of Peers, as 'tis entred in their own Journal.

The Commons Declaration and Protest upon the Lords refusal to joyn with them for Petitioning for Lunsford's remove, Dec. 24.

WE the Knights, Citizens and Burgeses of the Commons House of Parliament being very sensible of the great and imminent Danger of the Kingdom, through the Design of the Papists and other Persons, disaffected to the publick Peace, and finding by frequent Symptoms that the same groweth very near to Maturity, amongst which we reckon this not to be the least, that the *Tower*, being a Place of such Importance to the Safety of the City and of the whole Kingdom, should be put into the Hands of a Man so unworthy and of so dangerous a disposition, as by divers Testimonies, Colonel *Lunsford* is affirmed to be; which caused us Yesterday upon the Petition of the Citizens of London,



to desire your Lordships to joyn with us in an humble Suit to His Majesty, That a Place of that great Consequence might not be disposed in such a manner, as to hazard the Safety, Peace and Content of the City, and of the whole Kingdom; and perceiving that your Lordships have refused to joyn with us in so important and necessary a Request; do hereby declare before God and the whole Kingdom, That from the beginning of this Parliament, we have done our uttermost, to preserve the State from Ruin; and having by God's Blessing prevailed so far, That the Design of the Irish Army of Papists, the other Designs of bringing up the English Army several times attempted, a former Plot of possessing the Tower, without which those Treasons could not be so mischeivous to the State, were all prevented, although strongly bent to the destruction of Religion, the Parliament and the Common-wealth, do now find our selves encountred with as great difficulty as ever; The Papists Rebellion in Ireland, giving such encouragement to the malignant Party here; and they likewise receiving such advantage by the delays and interruptions which we have received in the House of Peers, as we conceive by the great number of Bishops and Papists notoriously disaffected to the common Good; And do therefore hold our selves bound in Conscience to declare and protest, That we are innocent of the Blood which is like to be spilt, and of the Confusions which may overwhelm this State, if this Person be continued in his Charge; and do intend to resort to His Majesty with an humble Petition, That he will be pleased to afford us his Royal Protection, that the Kingdom and our selves may be preserved from this wicked and dangerous Design, and that he will grant such Commissions and Instructions as may enable us to defend his Royal Person, and his Loyal Subjects from the Cruelty and Rage of the Papists, who have long plotted and endeavoured to bring in a bloody Change of Religions, to the apparent Ruin of the whole Kingdom; and if any of your Lordships have the same Apprehensions that we have, we hope they will likewise take some course to make the same known to His Majesty, and will further do what appertains to Persons of Honour and Fidelity for the common Good:

An. 1641.

This Paper being read in the Lords House, it was moved to Adjourn the Debate of it till Monday; others were for debating it presently; and it being carried for an Adjournment, the Lords following entred their Protest against that Vote in manner following,

#### The Lords Protestation.

**I**N respect the Conference brought up, and reported from the House of Commons, doth, as it is thereby declared concerning the instant Good and Safety of the King and Kingdom, I do protest against the deferring of the Debate thereof until Monday, to the end to discharge my self of any ill consequence that may happen.

#### Lord Admiarl,

|            |                   |                            |
|------------|-------------------|----------------------------|
| Similiter, | L. Chmaberlain,   | Sim. E. Stamford,          |
| Sim.       | E. Pembrock,      | Sim. L. Wharton,           |
| Sim.       | E. Bedford,       | Sim. L. Saint Johns,       |
| Sim.       | E. Warwick,       | Sim. L. Spencer,           |
| Sim.       | E. Bullingbrook,  | Sim. L. North,             |
| Sim.       | E. Newport,       | Sim. L. Kimbolton:         |
| Sim.       | Vis. Say & Seale, | Sim. L. Brook,             |
| Sim.       | E. Suffolk,       | Sim. L. Gray de Wark.      |
| Sim.       | E. Carlile,       | Sim. L. Roberts,           |
| Sim.       | E. Holland,       | Sim. L. Howard de Escreak. |
| Sim.       | E. Clare,         |                            |

The same Evening the Commons ordered, That Sir Thomas Barrington, and Mr. Martin, do this night repair unto the Earl of Newport, Constable of the Tower, and desire him from this House, to lodge and reside within the Tower, and take the Custody and Guard of that place; and then by reason of the Celebration of the Feast of Christmas, the next day both

Lord Newport  
Constable of the  
Tower, desired  
to take care  
thereof



An. 1641.

Sunday Dec.  
the 26th Colo-  
nel Lunsford  
removed.

both Houses Adjourned till Monday, the Lords to One a Clock in the Afternoon, the Commons till Ten in the Morning.

On Sunday Decemb. the 26th. the Lord Mayor waited upon His Majesty at Whitehall, to acquaint him with the Rumour of the Apprentices rising, if the Lieutenant of the Tower, Colonel Lunsford, were not removed, and that they would attempt the Tower, to put him out; whereupon the Council immediately Assembled to consult means for preventing such Mischeifs, and for drawing up a Proclamation against Tumults. And the same Evening His Majesty took the Keys from Colonel Lunsford.

But on the Thursday before, a Petition directed to the King and both Houses of Parliament, in the Name of the Apprentices, and others whose Times are lately expired in and about the City of London, was by a number of young Men presented to and read in the House of Commons to this purport:

Apprentices  
Petition.

**W**Hereas we, though the lowest Members of the City and Kingdom, touched with the common Sense of all good Subjects, do by experience find both by our own and our Masters Tradings, the beginning of great Mischief coming upon us, to nip us in the Bud, when we are first entring into the World; the Cause of which we can attribute to no others, but to the Papists and Prelates, and that maglignant Party which adheres unto them: And whereas by the late Protestation we stand solemnly engaged in the presence of Almighty God, by all lawful means with the utmost of our Lives, Power, and Estates to defend your Sacred Majesty and Royal Issue, with the Rights, and Liberties of Parliaments, and all your Majesty's Subjects, against Papists and Popish Innovators, such as Archbishops, Bishops, and their Dependents appear to be, the extirpation of which Government, Root and Branch, by several Petitions from this City, and many parts of this Kingdom, have been humbly desired; We hold it our bounden duty after long expectation of due and just Proceedings against the forenamed Papists and Popish Innovators, now at the last to become most humble Suitors to your Majesty in this present Parliament, That you would please to take Notice, That notwithstanding the much unwearied Pains and Industry of the House of Commons to subdue Papestry and Popish Innovators, neither Popery is subdued, nor Prelates are yet removed; whereby many have taken great encouragement, desperately to Plot against the Peace and Safety of this and other your Majesty's Dominions; witness the most barbarous and inhumane Cruelties perpetrated by the Papists now in Ireland; from whence ariseth in us a new Spring of Fears and Jealousies, what the Issue of these things may be, in this your Kingdom of England also, without a speedy and timely prevention of the same.

In hope therefore of your Majesty's willing readiness by the Advice of this Honourable Court of Parliament, to provide for our present Relief and Safety, we humbly supplicate, That the Popish Lords and other eminent and dangerous Papists in all parts of this Kingdom, may be narrowly lookt unto and secured, the Laws against Priests and Jesuits fully executed, the Prelacy rooted out, that so the Reformation may be prosperously carried on, our distracting fears removed, the weighty Affairs of the Kingdom settled, and consequently God may delight in the present and succeeding Ages to dwell in this Land, the freedom of Commerce and Trade may pass once more chearfully for the encouragement of your Petitioners; and that the flourishing and peaceable Reign of your Majesty may be long continued and encreased amongst us.

For all which your Petitioners shall earnestly pray, &c.

Information was given to the House of Lords; that some Members of their House have had false Rumours reported of them, which was, that during

Monday Dec.  
the 27th,  
from the  
Journal of  
the Lords.



during the Time of the King's being last in *Scotland*, it was told the Queen, that at a Meeting at *Kensington* (where the Earl of *Essex*, the Earl of *Newport*, the Lord Viscount *Say and Seal*, the Lord *Mandevile*, the Lord *Wharton*, Members of the House of Lords, and the Lord *Dungarvan*, Mr. *Nathaniel Fiennes*, Sir *John Clotworthy*, and Mr. *John Pym*, Members of the House of Commons, were present) upon Discourse of some Plots that should be done in this Kingdom, or in *Scotland*, the Earl of *Newport* should say, If there be such a Plot, yet there are his Wife and Children, meaning that the Person of the Queen and her Children should be seized upon: Upon this, the Earl of *Newport* stood up and gave the House of Lords this Account: That hearing of such an Information which had been presented to the Queen, he went with some other Lords, and waited on the Queen, and with many Protestations assured the Queen that never any such Words were spoken, nor the least Thought conceived of any such Fact; with which the Queen seem'd to rest satisfied; but that upon *Friday* last, his Majesty asked his Lordship, whether he heard any Debate at *Kensington* about seizing upon the Queen and her Children, which his Lordship denied. His Majesty reply'd again, That he was sorry for his Lordship's Memory.

17 Caroli.

This Information being ended, the House of Lords considering it to be a Matter of great Consequence, and because some Members of the House of Commons are concerned therein, it was thought fit to have a Conference, that they would join with their Lordships in making narrow Search into this Business, that so the bottom of it might be found out, and the Reporter of this false Rumour brought to condign Punishment; whereupon a Message was sent to the House of Commons touching some scandalous Reports concerning some Members of both Houses. These Lords following were appointed to draw up the Heads of the Conference, viz. Archbishop of *York*, Lord Admiral, Earl *Bristol*, Earl *Holland*, Lord *Roberts*, Lord *Savill*.

When the House of Commons met on *Monday Decemb.* the 27th, Sir *Thomas Barrington* reported, That according to the Command of the House, not being able to meet with the Constable of the *Tower*, he wrote a Letter unto him; That thereupon Yesterday the Earl of *Newport* came to him, and told him, That his Majesty had been pleased to discharge him of the Constableship of the *Tower*.

Lord Newport discharged from being Constable of the Tower.

It not being yet known that the King had removed *Lunsford*, the Citizens that Petitioned against him, attended at *Westminster*, as also did the Apprentices for an Answer to their before-recited Petition, so that there was a great and unusual Concourse of People at and about *Westminster*, many of them crying out, *No Bishops! No Bishops!* And the Bishop of *Lincoln* coming along with the Earl of *Dover* towards the House of Peers, observing a Youth to cry out against the Bishops, the rest of the Citizens being silent, stept from the Earl of *Dover*, and laid Hands on him; whereupon the Citizens with-held the Youth from him, and about one hundred of them, coming about his Lordship, hem'd him in, that he could not stir; and then all of them with a loud Voice cry'd out, *No Bishops!* and so let his Lordship the Bishop go; but there being three or four Gentlemen walking near, one of them named *David Hide*, a Reformato in the late Army against the *Scots*, and now appointed to go in some Command into *Ireland*, began to bustle, and said he would cut the Throats of those Round-headed Dogs that bawled against Bishops (which passionate Expressions of his, as far as I could ever learn, was the first miniting of that Term or Compellation of *Round-Heads*, which afterwards grew so general) and saying so, drew his Sword, and desired the other Gentle-

Tumults at Westminster.

David Hide falls foul on the Citizens.



An. 1641.

Lunsford  
draws his  
Sword in West-  
minster-hall.

Gentlemen to second him; but they refusing, he was apprehended by the Citizens, and brought before the House of Commons and committed, and afterwards cashier'd from all Employment into *Ireland*; likewise the same day Colonel *Lunsford* coming through *Westminster-Hall* with thirty or forty Gentlemen, his Friends, with him, and meeting with Citizens and Apprentices, the Colonel drew his Sword, and a Fray began, and some hurt was done; which being noised in the City, many hundreds of Apprentices and others came down to *Westminster* with Swords, Staves and others Weapons, which caused a great uproar both in *London* and *Westminster*; And the Lord Mayor and Sheriffs rode about all that night to appease the Tumults, the City Gates being all shut up, and strong Watch in every place set, as well Men in Arms as otherwise, and the Trained-Bands raised the next Morning for the Safety of the City; and the King commanded some of the Train-Bands of *Westminster* and *Middlesex* to be raised by turns to Guard his Royal Person, and his Consort and Children at *White-hall*, where thenceforwards a Company or two continued their attendance day and night by His Majesty's Order.

This great concourse of People flocking about the Houses of Parliament, the Lords ordered the Gentleman Usher to go and command them in the King's Name to depart to their respective Habitations, who returned with this Account, *That the People said they were willing to be gone, but durst not, because there is Colonel Lunsford with other Swordmen in Westminster-hall, that lye in wait for them with their Swords drawn, and that some of them who were going home through Westminster-hall, have been slasht and wounded by the said Soldiers*; Whereupon their Lordships appointed a Committee to examine what Warrant had been given to Soldiers to come down this day unto the Parliament House, and likewise what notice had been given to any others to come down to *Westminster* in multitudes, and who gave the occasion that Swords were drawn and blows given in *Westminster-hall* and near thereabouts amongst the People, and to inquire why the Justices of Peace, and others His Majesty's Officers did not prevent the Tumults this day, according to Law and the Commands formerly given them.

Dec. the 28th  
A Petition con-  
cerning a Scan-  
dal cast upon  
Members of both  
Houses of Par-  
liament, touch-  
ing words at  
Kensington

Upon *Tuesday* the 28th of *Decemb.* Mr. *Glyn* presented from the Committee appointed to meet with the Committee of Lords, for the drawing of a Petition to be presented to his Majesty, concerning the scandals cast upon the Members of both Houses; and a Petition in *hæc verba* was agreed unto.

To the King's most Excellent Majesty.

The humble Petition of the Lords and Commons in this present Parliament Assembled.

**W** Hereas, during the time of your Majesty's last being in Scotland, the Queen's Majesty received Information, that at a Meeting at *Kinsington* where the Earl of *Newport*, the Lord Viscount *Say and Seal*, the Lord *Mandeville*, Lord *Wharton*, Members of the Lords House, the Lord *Dungannon*, Mr. *Nathaniel Fienns*, Sir *John Clotworthy*, and Mr. *John Pym*, Members of the House of Commons were all present, when a Discourse was had of some Plots that should be done in this Kingdom, or in Scotland, that the Earl of *Newport* should say, if there be such a Plot, yet here are his Wife and Children; insinuating by the same to signifie, that the Person of Her Majesty and Children should be seized upon.

And whereas your Majesty upon *Fryday* last, was pleased to demand of the Earl of *Newport*, whether his Lordship heard any Debate at *Kensington*, about seizing upon the Queen and her Children; which when his Lordship had denied with many deep Asseverations, your Majesty replied again, that he was to tell him nothing more than he knew already, and therefore should consider well what he should Answer; his Lordship denying it a second time; His Majesty parting from him, replied, he was sorry for his ill Memory, seeming thereby to give Credit to that Information. Which



*Which Information and Report tending not only to the great Scandal of the Members of both Houses of Parliament, but expressing an endeavour to stir up Jealousies, and work a Division between your Majesty and our Parliament, it is therefore the humble and constant Desire of the Lords and Commons in this Parliament, that your Majesty will be pleased to declare who is the Reporter, or Reporters of those words, pretended to be spoken at Kensington by the Earl of Newport, and that your Majesty will be likewise pleased to move her Majesty, to discover who acquainted her therewith; and this as your Greatest and most Faithful Council, they advise your Majesty to perform.*

17 Caroli.

*The Exigency of the Affairs of both Kingdoms being such as necessarily require a sudden Remedy, which cannot expect any possibility of Success, without a right understanding between your Majesty and the Parliament, the only way of effecting whereof, is the present discovery and removal of Evil Council, and false Informers, which to our great Grief we have by Experience found to be too frequent and active in these dangerous Times.*

This Petition was put to the Question, and upon the Question assented unto by the House of Peers; and ordered, that the Lord Admiral, Earl of Bath, and Earl of Holland wait on His Majesty to know his pleasure, when the Committees of both Houses should attend him therewith, who appointed next day at one a Clock in the Afternoon, at White-hall; which being presented accordingly, the Earl of Bath, Decemb. the 30th, reported His Majesty's Answer thereunto as followeth:

My Lords and Gentlemen,

**I***t is true, That I have heard Rumours of some proposition that should have been made at Kensington for the seizing of the Persons of my Wife and Children; and in things of so high a Nature, it may be fit for any Prince to enquire, even where he hath no belief nor perswasion of the thing; so I have asked Newport some Questions concerning that Business, but far from that way of expressing a belief of the thing, which Newport hath had the boldness and confidence to affirm; which I could easily make appear, but that I think it beneath me, to contest with any particular Person. But let this suffice, That I assure you, I neither did nor do give Credit to any such Rumour. As for telling the Name of him who informed me, I do stick to the Answer which I gave to your last Petition upon the like particular.*

The King's Answer.

A Message from the Lords, desiring an Answer of the last Conference, concerning the Multitudes assembled near both Houses, and the Tumults amongst them.

Mr. Hollis is appointed to go to the Lords, to acquaint them, That this House will agree to all good and lawful ways and means for preventing of Tumults and Routs, that shall not be against the safety and privilege of Parliament; but for printing a particular Declaration, the same is a Matter that will require some time to be considered of. Numbers of Citizens and Apprentices resorting again this Day to Westminster, some of them being detained in the Abby, and examined before the Archbishop of York, the rest flock thither, and would have forced their entrance to set their fellow Apprentices at liberty, and threatening to pull down the Organs; but the Doors being lockt, they were kept out, and some Persons from the Abby-Leads endeavoured to beat them off with Stones; whereby several of the Citizens were hurt, and amongst the rest Sir Richard Wiseman, who 'twas said died soon after of the hurt he then received.

That Evening was publish'd the following Proclamation.



An. 1641.

By the KING.

His Majesty's  
Proclamation  
against  
Tumults  
Dec. 28.

**H**IS Majesty taking into His Princely consideration, the manifold Inconveniences and Mischiefs that may arise and happen by the Riotous and Tumultuous Assemblies in and about the Cities of London and Westminster, not only to the violation of His Majesty's Peace, and scandal of Government, but to the disturbance of his Houses of Parliament now Assembled; doth strictly Charge and Command all the Inhabitants of His Cities of London and Westminster, and the Liberties thereof, and also of the Suburbs and Confiners to the said Cities and Places adjoining, That upon no occasion they assemble themselves in any Tumultuous or Riotous manner, in any part or place in or near the said Cities or Liberties; and that all Persons now assembled in any numbers without His Majesty's Authority, do forthwith upon publishing this His Majesty's Proclamation, dissolve their Assemblies and Companies, and repair to their Dwellings or places of Abode, upon their Perils of being proceeded against as Violaters of the publick Peace of this His Majesty's Kingdom, and of being punished according to the severity of the Laws and Statutes of the same.

Given at our Court at White-hall this 28th day of Decemb.  
in the 17th Year of our Reign.

Wednesday  
Dec. the 29th.  
Obstructions of  
the relief of  
Ireland.

Want of a Pro-  
clamation, de-  
claring Irish  
Papists in Arms  
to be Rebels.

This day the House of Commons falling into Debate concerning the Affairs of Ireland, amongst other obstructions of relief to that Kingdom that were assigned, one was the want of a Proclamation under the Great-Seal of England, declaring the Irish Papists in Arms and their Adherents to be Rebels and Traitors; and this was alledged to be the more necessary, because the said Irish had given out as if they had some Authority for what they did; and therefore Mr. Hollis, Mr. Pym, Mr. Strode, Sir Edmond Mountfort, Mr. Glyn, Sir Philip Stapleton, Mr. Martin, Sir John Hotham and Sir John Culpepper were appointed to draw up a Declaration upon the Heads then debated concerning the Obstructions of the Relief of Ireland, and the Causes thereof, and to present the same, when prepared, to the House.

To the King's most Excellent Majesty, and the Lords and Peers  
now Assembled in Parliament.

The humble Petition and Protestation of all the Bishops and Prelates,  
now called by His Majesty's Writs to attend the Parliament, and present  
about London and Westminster for that Service.

The Petition  
and Protestati-  
on of the twelve  
Bishops upon oc-  
casion of Tu-  
mults, &c.  
Dec. the 10th.

**T**Hat whereas the Petitioners are called up by several and respective Writs, and under great Penalties to attend in Parliament, and have a clear and indubitate Right to Vote in Bills, and other Matters whatsoever debateable in Parliament by the Ancient Customs, Laws and Statutes of this Realm; and ought to be protected by your Majesty quietly to attend and prosecute that great Service.

They humbly remonstrate and protest before God, your Majesty and the noble Lords and Peers now Assembled in Parliament; that as they have an indubitate Right to Sit and Vote in the House of Lords, so are they (if they may be protected from Force and Violence) most ready and willing to perform their duties accordingly; and that they do abominate all Actions or Opinions tending to Popery, and the Maintenance thereof; as also all propension and inclination to any malignant Party, or any other side or party whatsoever, to the which their own Reasons and Conscience shall not move them to adhere.

But whereas they have been, at several times violently Menaced, Affronted  
and



An. 1641.

and Assaulted by multitudes of people, in their coming to perform their Services in that Honourable House, and lately chased away, and put in danger of their lives, and can find no Redress or Protection, upon sundry complaints made to both Houses in these particulars.

They likewise humbly protest before your Majesty and the noble House of Peers, that saving unto themselves all their Rights and Interests of sitting and voting in that House at other times, they dare not Sit or Vote in the House of Peers, until your Majesty shall farther secure them from all Affronts, Indignities and Dangers in the Premises.

Lastly, Whereas their Fears are not built upon Phantasies and Conceits, but upon such Grounds and Objects, as may well terrifie Men of good Resolutions, and much Constancy: They do in all duty and humility protest before your Majesty, and the Peers of that most Honourable House of Parliament, against all Laws, Orders, Votes, Resolutions and Determinations, as in themselves null, and of none effect, which in their absence, since the 27th of this instant Month of Decemb. 1641. have already passed; as likewise against all such as shall hereafter pass in that most Honourable House, during the time of this their forced and violent absence from the said most Honourable House; not denying, but if their absenting themselves were wilful and voluntary that most Honourable House might proceed in all these Premises, their Absence, or this their Protestation notwithstanding.

And humbly beseeching your most Excellent Majesty to command the Clerk of the House of Peers, to enter this their Petition and Protestation amongst his Records.

*They will ever pray to God to Bless and Preserve, &c.*

*John Eborac. Thomas Duresme. Robert Co. Lich. Joseph Norwich.  
John Asaphen. Guil. Ba. & Wels. George Hereford. Robert Oxon.  
Ma. Ely. Godfr. Glouc. Jo. Peterburg. Mor. Landaff.*

*Vera Copia Jo. Brown, Cleric. Parliament.*

The House of Lords was pleased, on the 30th of Decemb. to send a Message to the House of Commons, by Sir John Banks and Judge Reeves, to desire a present Conference by a Committee of both Houses, touching Matters of dangerous Consequence.

The Lords communicate this Protestation to the Commons.

And at the Conference, the Lord Keeper, in the Name of the House of Peers, delivered as followeth.

‘That this Petition and Protestation of the Twelve Bishops, containing Matters of high and dangerous Consequence, and such as my Lords are very sensible of, and such as require a speedy and sudden Resolution; it extending to the deep Intrenching upon the fundamental Privileges and Being of Parliaments; Therefore the Lords have thought fit, that this Matter concerning the whole Parliament, may be communicated to the House of Commons; it being a Thing of so great, and so general a Concernment.

This being thus communicated to the House of Commons, they came to this Resolution, To accuse these twelve Bishops of High-Treason, for endeavouring to subvert the fundamental Laws and Being of Parliaments.

The Commons resolve to accuse the Bishops of High-Treason.

And Mr. Glyn was ordered to go to the Lords, and at their Bar, in the Name of the House of Commons, and all the Commons of England, to accuse these twelve Prelates of High-Treason, for endeavouring to subvert the Fundamental Laws of the Realm; and the very Being of Parliaments, manifested by preferring that Petition and Protestation; and to desire the Lords, that they may be forthwith sequestered from Parliament, and put into safe Custody; and that their Lordships would appoint a speedy day for the Commons to charge them, and they to answer, for that the Commons were ready to make good their Charge.

He was farther ordered to give the Lords thanks, for communicating



An. 1641.



ting this Petition with so much affection and speed, and for expressing their Sense thereof.

After Mr. *Glyn* had delivered this at the Bar, the Lords sent the Black Rod instantly to find out these Bishops, and apprehend them, and by eight of the Clock at night, they were all taken, and brought upon their knees to the Bar, and ten of them committed to the *Tower*, and two (in regard of their Age, and indeed of the worthy Parts of one of them, the learned Bishop of *Durham*) were committed to the Black Rod.

The Warrants for their Seizure and Commitment: Together with the Orders of the House of Lords for their putting in their Answers, and assigning of them Counsel, were as follow:

*Jovis 30. Decemb. 1641.*

Ordered by the Lords in Parliament, That the Lord Archbishop of *York*, his Grace (being charged by the House of Commons of High-Treason) shall be forthwith brought before the Lords in Parliament.

*To the Gentleman Usher, &c.*

Ordered, &c. That *Thomas* Lord Bishop of *Durham*, *Joseph* Lord Bishop of *Norwich*, *Robert* Lord Bishop of *Conventry* and *Litchfield*, *John* Lord Bishop of *St. Asaph*, *William* Lord Bishop of *Bath* and *Wells*, *George* Lord Bishop of *Hereford*, *Matthew* Lord Bishop of *Ely*, *Robert* Lord Bishop of *Oxon*, *Godfrey* Lord Bishop of *Gloucester*, *John* Lord Bishop of *Peterborough*, and *Morgan* Lord Bishop of *Landaff* (being all charged by the Commons of High-Treason) shall be forthwith brought before the Lords in Parliament.

*To the Gentleman Usher, &c.*

Ordered, &c. That the Lord Archbishop of *York* his Grace, the Lord Bishop of *Durham*, the Lord Bishop of *Norwich*, the Lord Bishop of *Conventry* and *Litchfield*, the Lord Bishop of *St. Asaph*, the Lord Bishop of *Bath* and *Wells*, the Lord Bishop of *Hereford*, the Lord Bishop of *Ely*, the Lord Bishop of *Oxon*, the Lord Bishop of *Gloucester*, the Lord Bishop of *Peterborough*, and the Lord Bishop of *Landaff*, being charged of High-Treason by the House of Commons, shall forthwith stand committed to the Prison of the *Tower*, until the pleasure of this House be further known; but the Intent of the Lords is, that all possible conveniences, that that place can afford, shall be allowed unto them.

*To the Lieutenant of the Tower of London and his Deputies.*

*Eodem die.*

Ordered, &c. That the Lord Bishop of *Durham*, and the Lord Bishop of *Conventry* and *Litchfield* (being charged of High-Treason by the House of Commons) shall forthwith stand committed to the safe Custody of the Gentleman Usher, until the Pleasure of this House be further known.

*To the Gentleman Usher, &c.*

*Eodem die.*

Ordered, &c. That *John* Archbishop of *York*, *Thomas* Lord Bishop of *Durham*, *Joseph* Lord Bishop of *Norwich*, *Robert* Lord Bishop of *Conventry* and *Litchfield*, *John* Lord Bishop of *St. Asaph*, *William* Lord Bishop of *Bath* and *Wells*, *George* Lord Bishop of *Hereford*, *Matthew* Lord Bishop of *Ely*, *Robert* Lord Bishop of *Oxon*, *John* Lord Bishop of *Peterborough*, and

*Morgan*

Archbishop of *York* impeached: and other Bishops to be brought to the Bar Dec. the 30th.

And committed to the Tower:

But the Bishop of *Durham* and *Litchfield* to the black Rod.

Time given to the Lords, the Bishops, to put in their Answers.



Morgan Lord Bishop of Landaff, shall put in their Answers on Friday the 7th of January next, before the Lords in Parliament, unto a charge of High-Treason brought up against them by the House of Commons.

*Eodem die.*

Upon the Reading of the Petition of the Lords, the Bishops impeached by the Commons of High-Treason, desiring to have these underwritten, assigned of Council for them. It is ordered, &c. That Mr. Lane, the Prince's Attorney, Sir Thomas Gardiner Knt. Recorder of London, John Hearne, Challenor Chute, John Fountain, Matthew Hales and Arthur Treavor, shall be of Counsel with the said Lords, the Bishops in their Cause depending now before the Lords in Parliament, upon the said Impeachment brought up against them, as aforesaid, from the House of Commons, and longer time was given to put in their Answer.

Council assigned unto them.

A Common Council held at Guild-Hall, in the City of L O N D O N, the 31st. of December, 1641.

**C**ommune Concilium tent. in Camera Guild-Hall, Civit. London, tricesimo primo die Decemb. 1641. post meridiem, Anno Reg. Dom. nostri Caroli nunc Regis Angliæ, &c. decimo septimo, coram Richardo Gurney Milite & Baronetto, Majore Civit. London, Tho. Gardiner Milite, ejusdem Civit. Record. Ed. Bromfield Milit. & Ed. Wright Milit. & Alderm. dictæ Civit. Johan. Cordell Milit. Joh. Gayer Milit. Jacoba Garrard Milit. ac Alderm. Tho. Atkin Alderm. Joh. Woollaston Milit. & Alderm. Thom. Adams, Joh. Warner, Joh. Towse, Abrah. Reynardson, & Thom. Austin prædict. Civit. Alderm. ac Georgio Garret, & Georgio Clarke, Mil. & Alderm. ac Vicecom. Civit. prædict. nec non majore parte Conciliariorum de Com. Concilio ejusdem Civitat. tunc & ibidem assemblat.

The King's Message to the City about Tumults, and the Proceedings of the Common Council thereupon, December, 31st. 1641.

**A**T this Common Council, Mr. Recorder declared, That by the direction of the Right Honourable the Lord Mayor, he was to signifie to them the cause of their now Assembly, how that his Lordship had yesterday received a Letter from Sir Edward Nicholas Knight; one of his Majesties Principal Secretaries, intimating that it was his Majesties pleasure, his Lordship should call a Common Council against this time, and then his Lordship should be advertised of his Majesties further pleasure: And that there was now at this present in the Council Chamber an Honourable Person, being the Lord Newburgh, Chancellour of his Majesties Court of the Duchy, and one of his Majesties most Honourable Privy Council, come hither to deliver his Majesties Message, or request to this Court. And thereupon the Right Honourable the Lord Newburgh was desired to come into this Court, who being here, declared and said in this manner: Gentlemen, His Majesty out of his good affection towards the City, and acknowledging of your great loves lately shewed unto his Highness, hath sent me in a Message unto you, assuring it to be the same contained in a Paper, which he presented and desired to be read to this Common Council; which was accordingly done, the tenour whereof followeth in these words, viz.

**T**Here having been of late many Tumultuary and Riotous Assemblies of People about our Palaces of White-Hall and Westminster, to the great disturbance of Us and our Parliament: and We having received information, that some ill-affected Persons, do still endeavour to incite the like Tumults again; We have thought fit to recommend to your especial care, the preventing them, as far as in you lies, especially the ensuing Holidays, at which the idleness of many may make them apter to such disorders. We have thought fit likewise to let you know, that We are so well assured of the good Affections of our City of L O N D O N, by the great expressions which it hath made unto Us of late, that We can in no wise understand it to have any share in the fault of these Tumults and Distempers, but that they proceed meerly from the mean and unruly People of the Suburbs. And as We are most confident of the Hearts and good Affections of our City of London towards Us and our Government, and will not entertain any other opinion; so We do desire them not to be disturbed by any jealousies that



Caroli 17

*ill-affected persons may endeavour to sow, but to rest most confident and assured, that the safety, the protection, and the prosperity of the City, shall ever be with us a principal care.*

After the reading of which most gracious Message, whereby is fully manifested and expressed his Majesties gracious goodness, and great care for the safety and prosperity of this City (the Lord *Newburgh* having withdrawn himself) this Common Council took the same into their serious consideration, and howfor the present to return by this Honourable person unto His Majesty an Answer with all humility and thankfulness: And after much debate, it was fully agreed and resolved of by this Common Council, That in the first place should be returned and rendred unto his Majesty from this Common Council, as the Representative Body of the whole City, their humble duty in all thankful manner, for his goodness and gracious love and care manifested to this City.

Secondly, that it should be signified unto his Majesty, That this Court, nor any particular Member thereof, hath had any hand in these Tumultuous and Riotous proceedings, and that they, and every of them do disavow and disclame the same.

Thirdly, that it may be likewise signified, That this Court, (as the Representative Body of the whole City) doth promise from henceforth their best endeavours to prevent and suppress in time to come (as far as in them lyeth) all such, or the like Tumultuous Assemblies, and all Mutinous and Rebellious persons.

And lastly, that the humble desire of this Court may be presented unto his Majesty, that all the Delinquents and Causers of these Tumults, whatsoever they be, being apprehended, may be brought into Examination, and receive condign punishment according to the Law.

And these four things thus agreed upon were by direction of this Common Council here openly declared and delivered by the mouth of Master Recorder, unto that Honourable Person the Lord *Newburgh* here present, with desire that the same should be by his Lordship accordingly presented unto his Majesty, the which he promised to perform with trust.

And afterwards this Court entred into further consultation and debate touching the Tumultuous and Riotous Assemblies, lately spread night and day in several parts of this City, to the great trouble and affrightment of His Majesties good Subjects; and also touching the great neglect of that due respect which ought to be given by the Inhabitants of this City, to the several Precepts lately issued out by my Lord Mayor for a continual Watch and Ward, day and night, for prevention and suppression of such Tumults and Distempers.

And likewise touching the great neglect in appearance of the Trained-Bands of this City to their Colours, and the beat of the Drum; especially in these times of Danger, in contempt of Authority, being a matter of exceeding great consequence, and not fit to be suffered. And thereupon this Common Council taking much to heart, that such disobedience should grow and be found in the Inhabitants of this City, to the great disrespect of Magistracy and contempt of Government: And that such Disorders, and Tumultuary Assemblies should be permitted in such a City as this, formerly famous for the good and quiet Government thereof, hath thought it very expedient and behoveful, for redress, and remedy to be had in these abuses, being not fit to be any longer endured. That every Member of this Common Council now assembled, shall in their several Precincts spread it abroad, and make it known; That if any person, or persons, shall from henceforth neglect his Duty, and service to be performed as aforesaid, and shall not do his best endeavour to suppress, or prevent any Tumults, or Riotous Assemblies, that shall hereafter be attempted within this City, or Liberties thereof, that then he or they offending shall receive condign punishment, according to his or their demerits.

And it is further thought fit, and so agreed by this Common Council, that my Lord Mayor may send out his Precepts in such manner, and to such purpose, as his Lordship, and his Brethren the Aldermen, shall think fit, for Watch and Ward, raising of Arms, or otherwise, for the safety and preservation of this City; to which this Court, and all the Members thereof promise all due and chearful obedience.



17 Caroli.

An Address to his Majesty in the Name of the Commons Assembled in Parliament, by a Committee of that House, *Verbally* delivered by Mr. Denzil Hollis, praying a Guard and an Answer without delay.

Most Gracious Sovereign!

**W**E are sent by the Knights Citizens and Burgeses of the House of Commons, your Faithful and Loyal Subjects (who are ready to lay down their Lives and Fortunes and spend the last Drop of their Blood to maintain your Crown and Royal Person in Greatness and Glory, and do by us cast themselves down at your Royal Feet) to present unto your Majesty their humble Desires, upon their great Apprehensions, and just Fears of mischievous Designs and Practices to ruin and destroy them. There have been several Attempts heretofore, to bring Destruction upon their whole Body at once, and Threats and Menaces against particular Persons. There is a Malignant Party bitterly envenom'd against them, daily gathering Strength and Confidence; and now come to such Height, as they have given Boldness to some to imbrue their Hands in the Blood of your Subjects, in the Face, and at the Doors of the Parliament; and at your Majesties own Gates, and have given out insolent and menacing Speeches against the Parliament it self. This causeth great Distractions among the People in general, and much Fear and Apprehension in the House of Commons; That they conceive they cannot with the Safety of their Persons (upon which the Safety and Peace of the whole Kingdom doth now depend) sit any longer unarmed and unguarded. They have therefore their Recourse unto your Majesty, most humbly beseeching you, that it may stand with your good liking, if they provide for their own Safety, which the very Law of Nature and Reason doth allow unto them: It is their humble desire, that they may have a Guard out of the City of London, commanded by the Earl of Essex, Lord Chamberlain of your Majesties Household, of whose Fidelity to your Majesty, and the Common-wealth, they have had long Experience: By this your Majesties Grace and Favour, you will remove their Fears, fill them with Comfort and Assurance, and enable them to serve your Majesty in such a Way, as shall render your Majesty and Government happy and glorious. And to this they do most humbly desire your Majesty's Gracious and speedy Answer, because their Safety, and the Safety of the whole Kingdom depends upon it, and will not admit of any Delay.

Address to  
the King for  
a Guard on  
Dec. the 31<sup>st</sup>.

The Substance of this Message being first delivered by word of mouth, the King desired to have it in writing, which was delivered to his Majesty accordingly. On the Monday following, his Majesty returned the following Answer to this Address:

His Majesty's Answer to the Address sent the last of December past, by the House of Commons for a Guard.

**W**E have taken the last Message from you, touching your desire of a Guard, into our serious Consideration; and truly, with great Grief of Heart, that (after a whole Years sitting of this Parliament, wherein you have obtained those things for the happiness and security of your selves, and the the rest of our Subjects, as no Age can equal, instead of reaping in Peace and Tranquillity the Fruits of your Labours, and of our Grace and Affection to Our People) We should find Jealousies, Distrusts and Fears still so prevalent among you, as to induce you to declare them unto Us, in so high a measure as you have done at this time.

Monday, Jan.  
the 3<sup>d</sup>. The  
King's An-  
swer.

We are wholly ignorant of the Grounds of your Apprehensions; but this We do protest before Almighty God (to whom we must be accountable for those whom he hath intrusted to our Care and Protection) that had We any Knowledge or Belief of the least Design in any, of Violence, either formerly or at this time against you, We would pursue them to condign Punishment with the same severity and derestation, that We would do to the greatest Attempt upon Our Crown.

We



An. 1641.

*We know the Duty of that Place where God hath set Us, the Protection We owe to all Our loyal Subjects, and most particularly to you, called to Our Service by Our Writs : And We do engage unto you solemnly the Word of a King, that the Security of all and every one of you from Violence is, and shall ever be as much Our Care, as the Preservation of Us und Our Children.*

*And if this general Assurance shall not suffice to remove your Apprehensions ; We will command such a Guard to wait upon you as We will be responsible for to Him who hath charged Us with the Safety and Protection of Our Subjects.*

The aforesaid Address being made on *Friday December 31st*. The Commons receiving no present Answer, ordered, That Halberts should be provided and brought into the House, for their own better Security ; which was done accordingly, and the said Halberts stood in the House for a considerable time afterwards. And also understanding that the Lords would not sit the next Day, (being *New Years-Day*) they also Adjourned the House till *Monday, Jan. the 3d*, but Ordered to meet the next Day, being *Saturday, Jan. the 1st*, in a Grand Committee, at *Guild-Hall* ; only substituting a Committee at *Westminster*, to receive His Majesty's Answer if it came in the mean time.

By the KING.

Jan. the 1st.

King's Proclamation  
against the  
Irish Rebels.

**W**Hereas divers lewd and wicked Persons have of late risen in Rebellion in Our Kingdom of *Ireland*, surprized divers of our Forts and Castles, possessed themselves thereof, surprized some of Our Garrisons, possessed themselves of some of Our Magazines of Arms and Munition, dispossessed many of Our Good and Loyal Subjects of the *British* Nation and Protestants, of their Houses and Lands, robbed and spoiled many thousands of our good Subjects of the *British* Nation and Protestants of their Goods to great values ; massacred Multitudes of them, imprisoned many others, and some who have the Honour to serve us as Privy-Counsellors of that Our Kingdom. We therefore having taken the same into Our Royal Consideration, and abhorring the wicked Disloyalty and horrible Acts committed by those Persons, do hereby not only declare Our just Indignation thereof, but also do declare them and their Adherents and Abettors, and all those who shall hereafter joyn with them, or commit the like Acts on any of Our Good Subjects in that Kingdom, to be *REBELS* and *TRAITORS* against our Royal Person, and Enemies to Our Royal Crown of *England* and *Ireland*.

And We do hereby strictly charge and command all those Persons who have presumed to rise in Arms against Us and Our Royal Authority (which We cannot otherwise interpret than Acts of High Rebellion and detestable Disloyalty, when therein they spoil and destroy Our Good and Loyal Subjects of the *British* Nation and Protestants) that they immediately lay down their Arms, and forbear all further Acts of Hostility. Wherein if they fail, We do let them know, That We have Authorized Our Justices of *Ireland*, and other Our Chief Governour or Governours, and General or Lieutenant-General of Our Army there : And do hereby accordingly require and authorize them and every of them, to prosecute them the said Rebels and Traitors with Fire and Sword, as Persons who by their High Disloyalty against Us, their lawful and undoubted King and Sovereign, have made themselves unworthy of any Mercy or Favour, wherein Our said Justices, or other chief Governour, or Governours, and General, Lieutenant-General of Our said Army shall be countenanced and supported by Us and by other powerful Succours of Our good Subjects of *England* and *Scotland*, That so they may reduce to Obedience those wicked Disturbers of that Peace, which by the Blessing of God that Kingdom hath so long and so happily enjoyed under the Government of Our Royal Father and Us. And this Our Royal Pleasure We do hereby require Our Justices or other chief Governour or Governours



vernours of that Our Kingdom of Ireland, to cause to be published and proclaimed in, and throughout Our said Kingdom of Ireland.

17 Caroli.

*Given under our Signet at our Palace at Westminster, the first day of January, in the 17th Year of our Reign. 1641.*

And because the Warrant for printing this Proclamation was afterwards mentioned and controverted in some Declarations, I shall here add the same.

**I***T is His Majesty's Pleasure, That you forthwith print in very good Paper, and send unto me, for His Majesty's Service, forty Copies of the Proclamation enclosed, leaving convenient space for His Majesty to sign above, and to affix the Privy Signet underneath. And His Majesty's express command is, That you print not above the said number of forty Copies, and forbear to make any further publication of them till his pleasure be further signified.*

White-hall, January  
the 2d. 1641.

For His Majesty's Printer.

Edw. Nicholas.

At this time happened the Accusation of the Lord Kimbolton, and five Members of the House of Commons; the whole Proceedings in which Affair, I shall here present all together, though some of the Messages, &c. relating thereunto bear Date some time afterwards.

The Warrant for printing forty of these Proclamations and not above. See touching this Warrant His Majesty's Answer to the Parliaments Remonstrance of May the 9th. hereafter Inserted in the Month of May, 1642.

## CHAP. II.

*Touching the Lord Kimbolton and the five Members of the House of Commons, charged by the King with Treason.*

**O***N Monday January the 3d. the Lord Keeper acquainted the House of Lords, That he was commanded by the King, to let their Lordships know, That his Majesty had given Sir Edward Harbert, his Attorney General, command to acquaint their Lordships with some particulars from him. And Mr. Attorney approaching to the Clerks Table, spoke as followeth:*

January the  
3d. 1641.

My Lords,

**T***HE King hath commanded me to tell your Lordships, That divers great and treasonable Designs and Practices against him and the State have come to His Majesty's knowledge, for which His Majesty hath given me command in his Name to accuse, and I do accuse by delivering unto your Lordships these Articles in writing which I received of His Majesty, the six Persons therein named of High-Treason. The Heads of which Treason are contained in the said Articles, which I desire may be read.*

The Attorney General accuses the Lord Kimbolton and five Members of High Treason in the House of Lords

The House commanded the said Articles to be read, which were as followeth,

Articles of High-Treason and other high Misdemeanors against the Lord Kimbolton, Mr. Denzil Hollis, Sir Arthur Haslerig, Mr. John Pym, Mr. John Hampden, and Mr. William Stroud.

The Articles preferred against them.

1. That they have traiterously endeavoured to subvert the Fundamental Laws and Government of the Kingdom of England, to deprive the King of his Royal Power, and to place in Subjects an Arbitrary and Tyrannical Power over the Lives, Liberties and Estates of His Majesty's Liege People.



An. 1641.

2. That they have have traiterously endeavoured, by many foul aspersions upon His Majesty and his Government, to alienate the affections of his peoples, and to make His Majesty odious unto them.

3. That they have endeavoured to draw His Majesty's late Army to disobedience to His Majesty's command, and to side with them in their traiterous Designs.

4. That they have traiterously invited and encouraged a Foreign Power to Invade His Majesty's Kingdom of *England*.

5. That they have traiterously endeavoured to subvert the Rights, and the very Being of Parliaments.

6. That for the compleating of their traiterous Designs, they have endeavoured so far as in them lay, by force and terror to compel the Parliament to joyn with them in their traiterous Designs; and to that end have actually raised and countenanced Tumults against the King and Parliament.

7. And that they have traiterously conspired to Levy, and actually have levied War against the King.

Then Mr. Attorney said, That he was further charged to desire on His Majesty's behalf:

1. That a select Committee under a command of secrecie may be appointed to take the Examination of such Witnesses as the King will produce in this Business, as formerly hath been done in Cases of like Nature, according to the Justice of this House.

2 Liberty to add and alter, if there should be cause.

3. That their Lordships would take care for the securing of the Persons as in justice there should be cause.

The Lord *Kimbolton* being present in the House, stood up and offered to obey whatever the House should order; but pray'd that as he had a publick Charge, he might have a publick Clearing.

Committee of  
Lords to con-  
sider the Le-  
gality of this  
accusation.

The Lord *Steward*, Lord *Chamberlain*, Earl of *Bath*, Earl of *Southampton*, Earl of *Warwick*, Earl of *Bristol*, Earl of *Holland*, with the Assistance of Mr *Serjeant Whitfield* and Mr. *Serjeant Glanville*, were appointed a Committee to consider Precedents and Records touching the regularity of this Accusation, whether there have ever been any such Proceedings before in this House, whether such an Accusation may be brought by the Attorney-General into this House against a Peer, &c.

The Lords ac-  
quainted the  
Commons  
therewith.

The House of Peers sent a Message to the Commons (who were then in Debate of his Majesty's Answer concerning their desire of a Guard) to acquaint them, That some of their Members were accused in the Lords House of High-Treason by the King's Attorney-General.

Members  
Doors and  
Trunks  
Sealed up.

At the same time Information was also brought them, that several Persons were sealing up the Trunks, Doors, and Papers belonging to Mr. *Pym* and Mr. *Hollis*, and afterwards of the other accused Members; whereupon it was ordered by the House of Commons, that the Serjeant attending this House shall have Power to break open the said Doors and the Seals upon the Trunks, &c. and the *Speaker* to sign a Warrant to apprehend the said Persons: And likewise they passed this following Order:

Die Lunæ 3 January, 1641.

Order of the  
Commons,  
that if any  
come to seize  
their Per-  
sons, that  
they do stand  
upon their  
Guard.

**I**T is this Day ordered upon the Question by the Commons House of Parliament, that if any Persons whatsoever shall come to the Lodgings of any Member of this House, and there do offer to Seal the Trunks, Doors, or Papers of any Member of this House, or to seize upon their Persons, that then such Members shall require the Aid of the Constable to keep such Persons in safe Custody, till this House do give further Order. And this House doth further declare, that if any Per-  
son



son whatsoever shall offer to arrest or detain the Person of any Member of this House, without first acquainting this House therewith, and receiving further Order from this House, that it is lawful for such Member or any Person, to assist him, and to stand upon his and their Guard of Defence, and to make Resistance according to the Protestation taken to defend the Privileges of Parliament.

*H. Elsyng, Cler. Parl. D. Com.*

And immediately the Commons sent up Mr. *Walter Long*, to desire a Conference with the Lords about breach of Privilege: The Heads of which Conference were to this purpose:

That the violating of the Privilege of Parliament, is the overthrow of Parliament. That by the Protestation taken by both Houses of Parliament, to defend the Privileges of Parliament, both Houses are concerned in the Breach of either. That the Trunks, Chambers and Studies of divers Members of this House are this Day sealed up. That the Parliament, as the great Council of the Kingdom, ought to sit as free a Council, and no Force ought to be set about them without their Consent. That notwithstanding there is a Guard in a Warlike manner, placed at *White-Hall*, to the Breach of the Privilege of Parliament. Also to desire the Lords that such a Guard may be set about the Parliament as shall be approved of by both Houses, or else to joyn with this House to Adjourn to a Place of Safety; and the House ordered Mr. *Glyn*, Sir *Philip Stapleton* and Mr. *Fiennes* to manage this Conference.

Whilst these Members were about to go to the Lords House, Serjeant *Francis* being come to the Door of the House, having the Mace in his Hand, sends in Word that he was at the Door of that House, and had a Command to deliver a Message from his Majesty to Mr. *Speaker*; whereupon he was called in to the Bar (but without his Mace,) and there he delivered this Message, *viz.*

*I am commanded by the King's Majesty, my Master, upon my Allegiance that I should come and repair to the House of Commons where Mr. Speaker is, and there to require of Mr. Speaker five Gentlemen, Members of the House of Commons, and those Gentlemen being delivered, I am commanded to arrest them in his Majesty's Name of High-Treason: Their Names are Denzil Holles, Sir Arthur Haslerig, John Pym, John Hampden and William Stroud.*

After he delivered his Message, the House commanded him to withdraw, and appointed Sir *John Culpepper*, Lord *Faulkland*, Sir *Philip Stapleton* and Sir *John Hotham* to attend his Majesty, and to acquaint him, *That this Message from his Majesty was a Matter of great Consequence, that it concerneth the Privilege of Parliament, and therein the Privilege of all the Commons of England: That this House will take it into serious Consideration, and will attend his Majesty with an Answer in all Humility and Duty, with as much Speed as the Greatness of the Business will permit; and in the mean time the said Members shall be ready to answer any legal Charge made against them.*

At this time Mr. *Speaker*, by Command of the House, enjoined these five Members before-named, particularly (one by one) to give their Attendance on this House *De Die in Diem*, till the House take further Order; and further ordered, that to Morrow Morning at Ten of the Clock, the House be turned into a *grand Committee*, to take into Consideration the Message sent by Serjeant *Francis* from the King concerning the said Members.

Mr. *Glyn* reports the Conference this Day had with the Lords concerning this Matter, that the Lords had made an Order to open the Doors and

17 Caroli.

Heads of a Conference with the Lords touching Sealing of Trunks, &c.

The Serjeant at Arms demands the five Members.

Commons first Message to the King about the five Members.

Five Members enjoined to appear in the House.



Anno 1641.

Commons  
Answer to  
the Serjeant  
at Arms.

Sir William  
Killigrew and  
Sir William  
Flemming to  
be taken in-  
to Custody.

Tuesday Jan:  
the 4th  
King's An-  
swer to the  
Message a-  
bout the five  
Members.

A Conference  
about the Ar-  
ticles against  
the five Mem-  
bers.

The Answers  
of the Inns of  
Court touch-  
ing their offer-  
ing to be a  
Guard to the  
King; and Prac-  
tices used to  
have them this  
day in readi-  
ness, Jan.  
the 4th.

\* Another  
Title of the  
Lord Kimbol-  
ton's.

Trunks of the Members of both Houses, which were shut up and sealed, and that they have Resolved to join with this House in an humble Petition to the King, to desire that such a Guard as himself and both Houses of Parliament shall approve of, may be appointed; and that they have appointed two Lords to attend the King with a proportionable Number of the Members of this House in this Matter.

Then the House returned Answer to Serjeant *Francis* (who attended all this while at the Door of the House of Commons; *That this House will send an Answer to his Majesty, to the Message the Serjeant brought, by Members of their own*: Whereupon he returned.

The House being informed that it was Sir *William Flemming*, Sir *William Killigrew*, and other Gentlemen, who sealed up the Studies and Doors of the five Members, ordered that they should be forthwith apprehended by the Serjeant at Arms attending this House, and to remain in the Custody of the Serjeant of this House till further Order.

The Lord *Faulkland* reported the King's Answer to the said Message, delivered the last Night to his Majesty, concerning the Breach of Privilege of Parliament, in accusing five Members of this House, and sending Serjeant *Francis* with the Mace to Seize upon their Persons.

That at the delivery of this Message to the King, his Majesty did ask the Lord *Faulkland*, whether the House did expect an Answer? and before the Lord *Faulkland* made Answer, his Majesty said he would send an Answer this Morning (being the 4th of *January*) as soon as the House was set; and in the mean time he bid him acquaint the House, that the Serjeant at Arms did nothing but what he had directions from himself to do.

After the Report of this Answer of the King's, the House of Commons presently Ordered, that a Conference be desired with the Lords, to acquaint them, that there is a *Scandalous Paper* published, containing *Articles of High Treason* against the Lord *Kimbolton*, of the House of Peers, *Denzil Hollis*, Sir *Arthur Haslerig*, *John Pim*, *John Hampden* and *William Stroud*, Members of the House of Commons. And that forasmuch as it being against the Members of both Houses, they do desire the Lords, that Right may be done against the Publishers of the said *Scandalous Paper*, and to enquire who are the Authors and Publishers thereof, that they may receive Condign Punishment, and that the Commonwealth may be secured against such Persons.

The Gentlemen of the Inns of Court having, upon the apprehensions of Tumults, offer'd themselves to be a Guard to his Majesty, and the Parliament understanding there had been some Practices used to bid them be this Day in a readiness, sent some of their Members to the four Inns of Court, to inquire into the same, who now made their Report; and first Mr. *Brown* spake and said, That he had done the Message enjoyned him by this House, to the Gentlemen of the Society of *Lincolns-Inn*, and received this Answer, viz. *That they had at first gone to the Court this last Week, only upon occasion of a Report brought to them, that the King's Person was in danger. That yester-night, they had received a Message from his Majesty, by Sir William Killigrew, and Sir William Flemming, That they should keep within this Day, and be ready at an Hours warning, if his Majesty should have occasion to use them. That they brought likewise a Paper of Articles to them, by which the Lord (\*) Mandevile, and five Members of the House of Commons were accused of High Treason: That they had only an intent to defend the King's Person, and would do their utmost also to defend the Parliament; being not able to make any distinction between the King and his Parliament; and that they would ever express all true affection to the House*



*House of Commons in particular.* Mr. Ellis of Gray's-Inn, Mr. Hill of the Inner Temple, and Mr. Smith of the Middle Temple, made the like Relation from the Gentlemen of those other three Societies, only the Gentlemen of the *Middle Temple* sent their Answer in Writing, by the said Mr. Smith; in which they shewed, *That their Intention to defend the King's Person was no more than they were bound unto by the Oath of Allegiance*; with which several Answers from the Inns of Court, the House rested well satisfied,

The said five accused Members this Day after Dinner came into the House, and did appear according to the special Order and Injunction of the House laid upon them Yesterday, to give their Attendance upon the House, *de Die in Diem*, and their Appearance was entred in the Journal.

They were no sooner sate in their Places, but the House was informed by one Captain *Langrish*, lately an Officer in Arms in *France*, that he came from among the Officers and Soldiers at *White-Hall*, and understanding by them, that his Majesty was coming with a Guard of Military Men, Commanders and Soldiers, to the House of Commons, he passed by them with some Difficulty to get to the House before them, and sent in Word how near the said Officers and Soldiers were come: Whereupon a certain Member of the House having also private Intimation from the Countess of *Carlisle*, Sister to the Earl of *Northumberland*, that Endeavours would be used this Day to apprehend the five Members, the House required the five Members to depart the House forthwith, to the end to avoid Combustion in the House, if the said Soldiers should use Violence, to pull any of them out. To which Command of the House, four of the said Members yielded ready Obedience, but Mr. *Stroud* was obstinate, till Sir *Walter Earle* (his ancient Acquaintance) pulled him out by Force, the King being at that Time entring into the *New-Palace-Tard* in *Westminster*: And as his Majesty came through *Westminster-Hall*, the Commanders, Reformadoes, &c. that attended him, made a Lane on both sides the Hall (through which his Majesty passed, and came up the Stairs to the House of Commons) and stood before the Guard of Pensioners, and Halberteers, (who also attended the King's Person,) and the Door of the House of Commons being thrown open, his Majesty entred the House, and as he passed up towards the Chair, he cast his Eye on the Right-hand near the Bar of the House, where Mr. *Pym* used to sit; but his Majesty not seeing him there (knowing him well) went up to the Chair, and said, *By your Leave, (Mr. Speaker) I must borrow your Chair a little*; whereupon the Speaker came out of the Chair, and his Majesty stepped up into it; after he had stood in the Chair a while, casting his Eye upon the Members as they stood up uncovered, but could not discern any of the five Members to be there, nor indeed were they easie to be discerned (had they been there) among so many bare Faces all standing up together.

Then his Majesty made this Speech,

Gentlemen,

**I** Am sorry for this Occasion of coming unto you: Yesterday I sent a Serjeant at Arms upon a very Important Occasion, to apprehend some that by my Command were accused of High Treason; whereunto I did expect Obedience, and not a Message. And I must declare unto you here, that albeit no King that ever was in England, shall be more careful of your Privileges, to maintain them to the uttermost of his Power, than I shall be; yet you must know that in Cases of Treason, no Person hath a Privilege. And therefore I am come

17 Caroli.

Jan. the 4th. in the Afternoon the five Members appear in the House.

Notice given of the King's coming.

The five Members ordered to withdraw.

The King in Person demands the five Members, Jan. the 4th.

His Majesty's Speech in the House of Commons, Jan. the 4th. 1641.



An. 1641.

to know if any of these Persons that were accused are here: For I must tell you, Gentlemen, that so long as these Persons that I have accused (for no slight Crime, but for Treason) are here, I cannot expect that this House will be in the Right Way that I do heartily wish it: Therefore I am come to tell you, that I must have them wheresoever I find them. Well, since I see all the Birds are flown, I do expect from you, that you shall send them unto me, as soon as they return hither. But I assure you, on the Word of a King, I never did intend any Force, but shall proceed against them in a legal and fair Way, for I never meant any other.

And now since I see I cannot do what I came for, I think this no unfit Occasion to repeat what I have said formerly, That whatsoever I have done in favour, and to the good of my Subjects, I do mean to maintain it.

I will trouble you no more, but tell you I do expect as soon as they come to the House, you will send them to me; otherwise I must take my own Course to find them.

When the King was looking about the House, the Speaker standing below by the Chair, his Majesty ask'd him, whether any of these Persons were in the House? Whether he saw any of them? And where they were? To which the Speaker falling on his Knee, thus answered.

May it please Your Majesty,

The Speaker's Answer to his Majesty's Questions.

I Have neither Eyes to see, nor Tongue to speak in this Place, but as the House is pleased to direct me, whose Servant I am here; and humbly beg your Majesty's Pardon, that I cannot give any other Answer than this, to what your Majesty is pleased to demand of me.

The House immediately adjourns.

The King having concluded his Speech, went out of the House again, which was in great Disorder, and many Members cried out aloud, so as he might hear them, *Privilege! Privilege!* and forthwith adjourned till the next Day at One of the Clock.

The King requires a Copy of his Speech of Mr. Rushworth.

The same Evening his Majesty sent James Maxwell, Usher of the House of Peers, to the House of Commons, to require Mr. Rushworth the Clerk Assistant, whom his Majesty had observed to take his Speech in Characters, at the Table in the House, to come to his Majesty; and when Maxwell brought him to the King, his Majesty commanded him to give him a Copy of his Speech in the House. Mr. Rushworth humbly besought his Majesty (hoping for an Excuse) to call to mind how Mr. Francis Nevil, a Yorkshire Member of the House of Commons, was committed to the Tower, but for telling his Majesty what Words were spoken in the House by Mr. Henry Bellasis, some to the Lord Faulconbridge; to which his Majesty smartly replied, *I do not ask you to tell me what was said by any Member of the House, but what I said my self.* Whereupon he readily gave Obedience to his Majesty's Command, and in his Majesty's Presence, in the Room called the Jewel-House, he Transcribed his Majesty's Speech out of his Characters, his Majesty staying in the Room all the while. And then and there presented the same to the King, which his Majesty was pleased to command to be sent speedily to the Press, and the next Morning it came forth in Print.

Wednesday, Jan. the 5th. Commons Message to Lords.

The Commons sent Mr. Fiennes with a Message to the Lords, to give them notice of the King's coming Yesterday, and that they conceived it a high and great Breach of Privilege; and to repeat their Desires that their Lordships would join with them in a Petition to the King, that the Parliament may have a Guard to secure them as shall be approved of by his Majesty and both Houses; and also to let them know, that they have appointed a Committee to sit at Guild-Hall, London, and have also appointed the Committee for the Irish Affairs to meet there.

Then



Then falling into further Debate about Yesterday's Transactions, they passed the following Order.

17 Caroli.

*Die Mercurij 5 January.*

**W**Hereas His Majesty in his Royal Person yesterday, being the 4th of Jan. 1641. did come to the House of Commons, attended with a great multitude of Men armed in a Warlike manner with *Halberts, Swords and Pistols*, who came up to the very Door of the House and placed themselves there, and in other places and passages near to the House, to the great terror and disturbance of the Members thereof then sitting, and according to their Duty in an orderly and peaceable manner, treating of the great Affairs of both Kingdoms of *England and Ireland*; and his Majesty having placed himself in the *Speaker's Chair*, did demand the Persons of divers Members of the House to be delivered unto him.

Jan. the 5th.  
An Order of the Commons, that the King's coming to the House Jan. the 4th, was a Breach of Privilege.

It is this Day declared by the House of Commons, that the same is a high Breach of the Rights and Privileges of Parliament, and inconsistent with the liberty and freeborn Members thereof; and therefore this House doth conceive they cannot with the Safety of their own Persons, or Indemnity of the *Rights and Privileges of Parliament* sit here any longer without a full Vindication of so high a Breach, and sufficient Guard wherein they may confide, for which both Houses jointly, and this House by it self, have been humble Suitors to his Majesty, and cannot yet obtain.

Notwithstanding which, this House being very sensible of the greatest Trust reposed in them, and especially at this time of the manifold Distractions of this Kingdom, and the lamentable and distressed Condition of the Kingdom of *Ireland*, doth order that this House shall be adjourned till *Tuesday* next, at one of the Clock in the Afternoon, and a Committee be named by this House, and all that will come to have voices, shall sit at the *Guild-Hall* in the City of *London*, to morrow Morning at Nine of the Clock, and shall have Power to consider and resolve of all things that may concern the Good and Safety of the City and Kingdom, and particularly how our Privileges may be vindicated, and our Persons secured, and to consider of the Affairs and Relief of *Ireland*, and shall have Power to consult and advise with any Person or Persons touching the Premises, and shall have Power to send for Parties, Witnesses, Papers and Records; and it is further ordered, that the Committee for the *Irish Affairs* shall meet at the *Guild-Hall* aforesaid, at what time they shall think fit, and consult and do touching the Affairs of *Ireland*, according to the Power formerly given them by this House, and both the said Committees shall report the Results of their Consideration and Resolution to this House; the Names of the Committee do follow, viz.

Committee for Irish Affairs to sit at Guild-hall.

Mr. Chancellor of the *Exchequer*, Mr. *Glyn*, Mr. *Whitlock*, Lord *Faulkland*, Sir *Philip Stapleton*, Mr. *Nathaniel Fiennes*, Sir *Ralph Hopton*, Sir *John Hotbam*, Sir *Walter Earl*, Sir *Robert Cook*, Sir *Thomas Walsingham*, Sir *Samuel Roll*, Mr. *Pierpoint*, Mr. *Walter Long*, Sir *Richard Cave*, Sir *Edward Hungerford*, Mr. *Grimstone*, Sir *Christopher Wray*, Sir *Ben. Rudyard*, Sir *John Heppisley*, Mr. *Herbert Price*, Sir *John Wray*, Sir *Thomas Barrington*, Mr. *Wheeler*, Sir *William Litton*: And all that will come are to have Voices at this Committee.

The Names of the Committee of the House of Commons appointed to sit at the Guild-hall.

And then the House Adjourned till *Tuesday* the 11th of *January*, at One in the Afternoon, according to the said Order.

House adjourns to the 11th. The King goes into London.

The same Day His Majesty was also pleased to go into *London* with his usual Attendance, and in his Passage some People did cry out aloud, *Privileges of Parliament! Privileges of Parliament!* And one *Henry Walker* an Iron-monger, and Pamphlet-writer, threw into His Majesty's Coach a Paper, wherein was written (*to your Tents, O Israel*) for which he was committed, and afterward proceeded against at the Sessions.

His Majesty being arrived at *Guild-Hall*, and the Common-Council assembled, he made this Speech to them:

Gentlemen,

**I** Am come no demand such Persons as I have already accused of High-Treason, and do believe are shrowded in the City. I hope no good Man will

King's Speech to the Citizens at Guild-hall, Jan. 5. 1641.



An. 1641.

will keep them from me; their Offences are Treason and Misdemeanors of an high Nature. I desire your loving Assistance herein, that they may be brought to a legal Trial.

And whereas there are divers Suspensions raised, that I am a Favourer of the Popish Religion; I do profess, in the Name of a King, That I did and ever will, and that to the utmost of my Power, be a Prosecutor of all such as shall any ways oppose the Laws and Statutes of this Kingdom, either Papists or Separatists; and not only so, but I will maintain and defend that true Protestant Religion which my Father did profess, and I will continue in it during Life.

The King  
dines in the  
City.

His Majesty was nobly entertained that Day in London at the House of one of the Sheriffs, and after Dinner returned to White-hall without interruption of Tumults.

Jan. the 6th  
The Com-  
mittee at  
Guild-hall.

The Committee of the House of Commons meeting at Guild-Hall, employ'd themselves in drawing up a Declaration touching his Majesty's late coming to their House, which held them till the 9th of January. Witnesses being examined to prove the Words, Actions, and Gestures of them that followed his Majesty and stood near the Door of the House of Commons.

Jan. the 7th.

Arms sent  
from the  
Tower Jan.  
the 4th.

The Committee Adjourn'd to Grocers-Hall, (because there was a Common-Council at Guild-Hall) and received Information, That on the 4th of January, the Lieutenant of the Tower permitted one hundred Arms, two Barrels of Powder, and Match and Shot proportionable, to go out of the Tower to White-hall; whereupon some of the Committee were appointed to inquire further into that Matter, which was found to be true.

The Common-Council this Day agreed upon the following Petition:

To the King's most Excellent Majesty.

The humble Petition of the Mayor, Aldermen, and Common Council of the City of London.

May it please Your most Excellent Majesty,

The City pe-  
tition Jan.  
7th.

THE often Experience of your most Gracious Acceptance of the Manifestation of the Petitioners Duty and Loyalty; and the frequent Declaration of your Majesty's great Care of the Good and Welfare of this City, and of the true Protestant Religion, and of protecting and preserving the Persons and Privileges of your great Counsel Assembled in the High Court of Parliament, hath encouraged your Petitioners to represent the great Dangers, Fears and Distractions, wherein the City now is, by reason of the prevailing Progress of the Bloody Rebels in Ireland, fomented and acted by the Papists and their Adherents, &c. the want of Aid to suppress them, and the several Intimations they have had, both foreign and at home, of the driving on of Designs tending to the utter Ruin of the Protestant Religion, and of the Lives and Liberties of your Majesty's Loyal Subjects, the putting out of Persons of Honour and Trust from being Constable and Lieutenant of the Tower, especially in these Times; and the Preparations there lately made, the Fortifying of White-Hall with Men and Munition in an unusual manner; some of which Men with provoking Language and Violence abused divers Citizens passing by, and the drawing divers Swords, and therewith wounding several other Citizens in Westminster-Hall, that were unarmed; the late Endeavours used to the Inns of Court, the calling in divers Cannoneers and other Assistance into the Tower. The late Discovery of divers Fire-works in the Hands of a Papist, and the Misunderstanding betwixt your Majesty and Parliament, by reason of Mis-information, as they humbly conceive.

Besides all which the Petitioners Fears are exceedingly encreased by your Majesty's late going into the House of Commons, attended with a great Multitude of armed



armed Men (besides your ordinary Guard) for the apprehending of divers Members of that House, to the endangering of your Sacred Person, and of the Persons and Privileges of that honourable Assembly. The effect of all which fears, tend not only to the overthrow of the whole Trade of this City and Kingdom, which the Petitioners already feel in a deep measure, but also threatens the utter Ruin of the Protestant Religion, and the Lives and Liberties of all your Loyal Subjects.

The Petitioners therefore most humbly pray your Sacred Majesty, that by the Advice of your great Council in Parliament; the Protestants in Ireland may be speedily relieved, the Tower put into the hands of Persons of trust, that by removal of doubtful and unknown persons from about White-hall and Westminster, a known and approved Guard may be appointed for the safety of your Majesty and Parliament; and that the Lord\* Mandevill and the five Members of the House of Commons lately accused, may not be restrained of liberty, or proceeded against otherwise then according to the Privileges of Parliament.

17 Caroli

\* Kimbolton.

And your Petitioners (as in all duty bound) shall pray for your Majesty's most long and happy Reign.

His Majesty's Answer to the Petition of the Mayor, Aldermen, and Common-Council of the City of London.

**H**IS Majesty having fully considered the matter of this Petition, is graciously pleased to declare, that being unalterably resolved to make good all his Expressions and Declarations of his Care of this City, of the true Protestant Religion, and of the Privileges of Parliament: His Majesty takes in good part the Intimation given by the Petitioners of the fears and distractions wherein the City now seems to be: And though he conceives he did on Wednesday at the Guild-Hall, satisfy most of these particulars, is pleased to add this further Answer.

1. That for the said business of Ireland, His Majesty cannot possibly express a greater Sense than he hath done, there being nothing left on His Majesty's part unoffered or undone. And he hoped by the speedy Advice and Assistance of his Parliament, that great and necessary Work would be put in a sure forwardness, to which His Majesty will contribute all his Power, and how zealous he is and hath been therein, will appear in a Declaration speedily to be set forth by His Majesty.

2. For the Tower, His Majesty wonders, that having removed a Servant of good Trust and Reputation from that Charge only to satisfy the Fears of the City, and put in another of unquestionable reputation and known ability, the Petitioners should still entertain those fears; and whatever preparations of strength is there made, is with as great an eye of safety and advantage to the City as to his Majesty's own Person, and shall be equally employed to both.

3. For the fortifying of White-hall with Men and Munition in an unusual way, His Majesty doubts not but the Petitioners have observed the strange Provocation he hath received to entertain that Guard, that by the disorderly and tumultuous conflux of People at Westminster and White-hall, his Majesty's great Council was not only disquieted, but his own Royal Person in danger: Most seditious language being uttered even under his own Windows, whilst the examination and punishing such Tumults by the course of Law were interrupted and stopped. And if any Citizens were wounded or ill intreated, His Majesty is confidently assured, that it happened by their own evil and corrupt demeanors.

4. His Majesty knows no other endeavours to the Inns of Court than a gracious intention, that he received the tender of their Loyal and Dutiful Affections, with very good Approbations and Acceptance, and an encouragement given then to continue the same upon all Occasions. Neither doth His

Majesty



An. 1641.

*Majesty know what discovery hath been lately made of Fire-works in the hands of any Papist.*

5. For his going to the House of Commons, when his Attendance were no otherwise armed then as Gentlemen with Swords; His Majesty is verily perswaded, that if the Petitioners knew the clear Grounds upon which those persons stand accused of High-Treason, and what will be proved against them (which in due time they shall be acquainted with) and considered the gentle way His Majesty took for their apprehension, which he preferred before any course of violence (though that way had been very justifiable, for His Majesty is very well assured that it is notoriously known that no Priviledge of Parliament can extend to Treason, Felony, or breach of the Peace) the Petitioners would believe His Majesty's going thither, was an Act of Grace and Favour to that House, and the most peaceable way of having that necessary Service, for the apprehension of those Persons, performed; especially if such Orders have been made, which His Majesty is not willing to believe, for the Resistance of all lawful Authority, as are discoursed of.

6. And for the proceedings against these Persons mentiond in the Petition, His Majesty ever intended the same should be with all Justice and Favour, according to the Laws and Statutes of the Realm, to the which all innocent Men would chearfully submit.

And this extraordinary way of satisfying a Petition of so unusual a Nature, His Majesty is confidently perswaded, will be thought the greatest Instance can be given of his Majesty's clear Intentions to his Subjects, and of the singular Estimation he hath of the good Affections of this City, which he believes in gratitude will never be wanting to his just commands and service.

Jan. the 8th.  
King's Pro-  
clamation a-  
gainst the  
five Members.

A Proclamation was published, by which his Majesty declared, That he had accused the Lord Kimbolton and the said five Members, of High-Treason, commanding all Magistrates and Officers to apprehend them, and carry them to the Tower.

Proceedings  
of the Com-  
mittee in  
London.

The Committee sate again at Grocers-hall, and appointed a Sub-Committee to draw up Heads for their safe coming to Westminster on Tuesday next, and agreed that the Sheriffs of London and Middlesex should raise the posse Comitatus for that day for the Guard of the King and Parliament.

Whilst the grand Committee of the whole House sate in London (amongst other things which they dispatched there) they did on the 9th of January take the Information of Samuel and Daniel Lewis, being examined upon Oath by Mr Whittacre a Justice of the Peace.

Saturday Jan.  
the 8th. Ex-  
aminations  
taken touch-  
ing words  
spoken by  
Captain Hide.

THE said Daniel Lewis doth depose, that he being yesterday at Dinner with the Lord Blayny, at a Lodging in St. Martin's-Lane, one Captain Hide being then also present, the said Hide askt this Informant if he were a Citizen? Whereunto this Informant answered, that he was a Citizen of London. Whereupon the said Captain Hide said, that he himself was one of the first that did draw his Sword upon the Apprentices at White-Hall-Gate, and said further, that he heard there would come down ten thousand Citizens to Westminster, to Guard the Parliament upon Wednesday next, the 12th of this Month, which if they did, it would be the Bloodiest day that was seen in England these many Years, and that he for his part would kill as many of them as he could, and that they were a company of prick-eared and cropt-eared Rascals, and that he would believe a Papist before a Puritan: And this Informant further saith, that the said Hide in all his discourse did accompany the same with many fearful Oaths and Imprecations; as God-dammy, and the like; and that the said Captain Hide, pulled a Pistol out of his Pocket, saying in a jeering manner, it was not charged, but upon tryal it was found to be charged very deep, and said he had five Supplies for the same; which said Information was also testified upon Oath by Samuel Lewis.

At



At this time divers *Mariners* and Sea-men came to the Committee, and, with a Petition signed by a thousand Hands, tendered their Service to guard the Committee by Water to *Westminster*, which was accepted of by the Committee, and ordered that they should provide such Artillery as was necessary on *Tuesday* Morning, and to rendezvouze so as to go through Bridge with the Tide; and that all great Guns and Mufquets in their Vessels should be cleared before-hand, to the end there might be no shooting that Day, except in case of great Necessity; and the Mariners and Seamen declared, they would readily perform what was proposed for the Safety of the King and Parliament, and in pursuance of their Protestation.

17 *Caroli*  
Mariners offer to guard the Committee to the Parliament-House by Water.

After that, there came Apprentices in great Numbers to the Committee, and tendered their Service to guard them to the Parliament on *Tuesday* next, the 11th of *January*, who were called in, and Serjeant *Wyld*, the Chairman to the Committee, gave them Thanks for their Affection and Willingness to serve the Parliament; but told them, that there would be no need of their Assistance, for there would be a Guard provided for them by Water to *Westminster*, and the Trained Bands would do the same by Land: And told them further, that the Committee was sensible of their former readiness to guard the Parliament, upon which many of them were wounded; and that the Parliament hopes to see them have Redress in due time, and therefore desired them to stay at home that Day.

Apprentices offer to guard them, but are excused.

A Ship at this time arriving in the *Thames* from *Berwick* with Arms and Ammunition, and coming near the *Tower*, the Committee ordered her to fall down the River out of the Command of the *Tower*, and that if any Persons should offer to take any Arms or Ammunition out of her, the Master of the said Vessel should call to him the Assistance of Sailors and others for the keeping of the same.

A Ship with Arms.

The King's Printer was sent for by the Committee, who acknowledged, that he was commanded to print the Proclamation against the five Members, but with Direction not to disperse the same in *London*, which he said he did not do.

The Committee this Day had some Intelligence or Rumour, that the King proposed to come in Person on *Monday* next to the said Committee in *London*, and that there were Hopes of reconciling the Misunderstanding between Him and his People; whereupon they ordered the Captains of the Trained Bands that attended them as a Guard, should take special care, that His Majesty and the *English* Nobility have way made for them to come in, and all Duty and Respect shewed them, and that they suffer no Person else to come in; and Sir *Ralph Hopton* and Mr. *Charles Price* (who were the King's Servants) were desired to stand by the Officers of the Guard to see the same performed, and to shew them such Persons as are of the *English* Nobility. But this Rumour of His Majesty's coming thither proved false.

A Rumour that the King would come to the Committee.

*Monday, January* the 10th, Mr. *Glyn* reports to the Grand Committee, a further Resolution of the Committee at *Grocers-Hall*, viz.

*Monday, Jan.* the 10th, Mr. *Glyn's* Report.

That the publishing of several Articles purporting a Form of a Charge of High-Treason against the Lord *Kimbolton*, one of the Members of the Lords House, and against Mr. *Hollis*, &c. Members of the House of Commons, by Sir *William Killigrew*, Sir *William Fleming*, and others in the Inns of Court and elsewhere, in the King's Name, is a high Breach of the Privileges of Parliament, a great Scandal to His Majesty and his Government, a seditious Act, manifestly tending to the Subversion of the Peace of the Kingdom, and Injury and Dishonour to the said Members, there being no legal Charge or Accusation against them.



An. 1641.

That the Privileges of Parliament, and the Liberty of the Subject so violated and broken, cannot be fully and sufficiently vindicated, unless His Majesty will be graciously pleased to discover the Names of those Persons who advised His Majesty to the Sealing of the Chambers and Studies of the said Members, to send a Serjeant at Arms to the House of Commons to demand the said Members, to issue several Warrants under His Majesty's own Hand to apprehend the said Members, his Majesty's coming thither in his own Royal Person, the publishing of the said Articles and printed Papers in the Frame of a *Proclamation*, against the said Members (in such manner as is before declared,) to the end such Persons may receive condign Punishment.

The King  
leaves London  
Jan. the 10th.

This present *Monday* the 10th of *January* about three of the Clock in the Afternoon, the King, with the Queen and their Royal Off-spring, left *Whitehall*, and the whole Court: His Majesty being in his Coach, called the Captain of the Guard of Train-bands that attended at *Whitehall*, unto him, and said, *I thank you for your Attendance, and for what you have done, and do now dismiss you.* So His Majesty went to *Hampton-Court*, and from thence afterwards by Degrees to *Tork*.

A Note of His Majesty's several Removes, from the Time of his leaving London, until his Arrival at *Tork*, 1641.

King re-  
moves till he  
came to *Tork*.

*January*, 10th. From *White-Hall*, to  
*Hampton-Court*.

12th. To *Windsor*.

*February*, 9th. Back to *Hampton-Court*.

10th. To *Greenwich*.

11th. To *Rocheſter*.

13th. To *Canterbury*.

16th. Thence to *Dover*, with  
the Q. and P. of Or.

23d. Queen and Princess  
Embarked for *Holland*.

25th. King returns to *Cant*.

26th. To *Greenwich*, where he  
sent for the Prince  
of *Wales*, and Duke  
of *Tork*.

28th. Thence to *Theobalds*.

*March*, 3d. To *Royſton*.

7th. To *Newmarket*.

14th. To *Huntington*.

15th. To *Stamford*.

17th. To *Newark*.

18th. To *Doncaſter*.

19th. To *Tork*.

*Tuesday*, Jan.  
the 11th.  
The Com-  
mons meet  
again at *West-  
minſter*.

This Afternoon the House according to Adjournment being again to meet, the Committee, together with the Lord *Kimbolton* and the Five Members, about one of the Clock took Water at the *Three Cranes*, attended with thirty or forty Long-boats, with Guns, Flags, &c. and a great number of Citizens and Seamen in other Boats and Barges, and so they were conveyed to *Westminster*, some of the Train-bands marching at the same time by Land to be a Guard about the two Houses.

The next Day His Majesty sent them the following Message:

King's Mes-  
ſage, that he  
does wave  
his former  
Proceedings  
againſt the  
Five Mem-  
bers Jan. the  
12th.

**HIS** Majesty taking Notice that some conceive it disputable whether his Proceedings against the Lord *Kimbolton*, Mr. *Hollis*, Sir *Arthur Haſlerig*, Mr. *Pym*, Mr. *Hampden*, and Mr. *Strode*, be legal and agreeable to the Privileges of Parliament, and being very desirous to give Satisfaction to all Men in all Matters that may seem to have relation to Privilege, is pleased to wave his former Proceedings; and all Doubts by this means being settled, when the Minds of Men are composed, His Majesty will proceed thereupon in an unquestionable Way, and assures his Parliament, that upon all Occasions he will be as careful of their Privileges as of his Life or his Crown.

Jan. the 17th.

A Declaration of the House of Commons, touching a late Breach of their Privileges, and for the Vindication thereof, and of divers Members of the said House, agreed upon at *Grocers-Hall*, but passed not the House till *January* the 17th.

**W**Hereas the Chambers, Studies, and Trunks of Mr. *Denzil Hollis*, Sir *Arthur Haſlerig*, Mr. *John Pym*, Mr. *John Hampden*, and Mr. *William Strode*, Esqs; Members



Members of the House of Commons, upon *Monday* the 3<sup>d</sup> of this instant *January*, by colour of his Majesty's Warrant, have been sealed up by Sir *William Killigrew*, and Sir *William Fleming*, and others, which is not only against the Privilege of Parliament, but the common Liberty of every Subject; which said Members afterwards the same day were under the like colour, by Serjeant *Francis*, one of his Majesty's Serjeants at Arms, contrary to all former Precedents, demanded of the *Speaker*, sitting in the House of Commons, to be delivered unto him, that he might arrest them of High-Treason: And whereas afterwards, the next day his Majesty in his Royal Person came to the said House, attended with a great multitude of Men, armed in warlike manner with Halberts, Swords and Pistols, who came up to the very Door of the House, and placed themselves there, and in other Places and Passages near to the said House, to the great Terror and Disturbance of the Members then sitting, and according to their duty, in a peaceable and orderly manner, treating of the great Affairs of *England* and *Ireland*: And his Majesty having placed himself in the *Speaker's* Chair, demanded of them the Persons of the said Members to be delivered unto him, which is a high Breach of the Rights and Privileges of Parliament, and inconsistent with the Liberties and Freedom thereof. And whereas afterwards his Majesty did issue forth several Warrants to divers Officers, under his own Hand, for the Apprehension of the Persons of the said Members, which by Law he cannot do; there being not all this time any legal charge or accusation, or due process of Law issued against them, nor any pretence of charge made known to that House; all which are against the Fundamental Liberties of the Subject, and the Rights of Parliament; whereupon we are necessitated, according to our duty to declare; and we do hereby declare, that any Person that shall arrest Mr. *Hollis*, Sir *Arthur Haslerig*, Mr. *Pym*, Mr. *Hampden*, and Mr. *Strode*, or any of them, or any other Members of Parliament by pretence or colour of any Warrant issuing out from the King only, is guilty of the Breach of the Liberties of the Subject, and of the Privileges of Parliament, and a publick Enemy to the Common-wealth; and that the Arresting of the said Members or any of them, or of any other Member of Parliament, by any Warrant whatsoever, without a legal proceeding against them, and without consent of that House, whereof such Person is a Member, is against the Liberty of the Subject, and a Breach of Privilege of Parliament; and the Person which shall arrest any of these Persons, or any other Members of the Parliament, is declared a publick Enemy of the Common-wealth. Notwithstanding all which we think it fit farther to declare, that we are so far from any endeavour to protect any of our Members that shall be in due manner prosecuted according to the Laws of the Kingdom, and the Rights and Privileges of Parliament for Treason, or any other Misdemeanor, that none shall be more ready and willing than we our selves to bring them to a speedy and due Trial; being sensible, that it equally imports us, as well to see Justice done against them that are criminal, as to defend the just Rights and Liberties of the Subjects and Parliament of *England*.

And whereas, upon several Examinations taken the 7<sup>th</sup> Day of this instant *January*, before the Committee appointed by the House of Commons to sit in *London*, it did fully appear, that many Soldiers, Papists and others, to the number of about five hundred, came with His Majesty on *Tuesday* last to the said House of Commons, armed with Swords, Pistols and other Weapons, and divers of them pressed to the Door of the said House, thrust away the Door-keepers, and placed themselves between the said Door and the ordinary Attendants of His Majesty, holding up their Swords, and some holding up their Pistols ready cock'd, near the said Door, and saying, *I am a good Marksman; I can hit right I warrant you*; and they not suffering the said Door, according to the custom of Parliament to be shut, but said, they would have the Door open; and if any opposition were against them, they made no question but they should make their Party good, and that they would maintain their Party; and when several Members of the House of Commons were coming into the House, their Attendants desiring that room might be made for them, some of the said Soldiers answer'd, *a Pox of God confound them*; and others said, *a Pox take the House of Commons, let them come and be hang'd; what a-do is here with the House of Commons?* And some of the said Soldiers did likewise violently Assault, and by Force disarm some of the Attendants and Servants of the Mem-



An. 1641.

Members of the House of Commons, waiting in the Room next the said House, and upon the King's return out of the said House, many of them by wicked Oaths, and otherwise, expressed much discontent, that some Members of the said House, for whom they came, were not there, and others of them said, when comes the Word? and no Word being given, at His Majesty's coming out, they cry'd, a Lane, a Lane: Afterwards some of them being demanded, what they thought the said Company intended to have done, answer'd, that questionless, in the Posture they were set, if the Word had been given, they should have fallen upon the House of Commons, and have cut all their Throats. Upon all which we are of Opinion, that it is sufficiently proved, that the coming of the said Soldiers, Papists and others, with His Majesty to the House of Commons on *Tuesday* last, being the 4th of this instant *January*, in the manner aforesaid, was to take away some of the Members of the said House; and if they should have found opposition or denial, then to have fallen upon the said House in an hostile manner. And we do hereby declare, that the same was a traiterous Design against the King and Parliament. And whereas the said Mr. *Hollis*, Sir *Arthur Haslerig*, Mr. *Pym*, Mr. *Hampden* and Mr. *Strode*, upon report of the coming of the said Soldiers, Papists and others in the warlike and hostile manner aforesaid, did, with the Approbation of the House, absent themselves from the Service of the House, for avoiding the great and many Inconveniencies, which otherwise apparently might have happned: Since which time a printed Paper, in the Form of a Proclamation, bearing Date the 6th Day of this instant *January*, hath issued out, for the apprehending and imprisoning of them; therein suggesting, that through the conscience of their own Guilt, they were absent and fled, not willing to submit themselves to Justice. We do farther declare, that the said printed Paper is false, scandalous and illegal; and that, notwithstanding the said printed Paper, or any Warrant issued out, or any other matter yet appearing against them, or any of them, they may, and ought to attend the Service of the said House of Commons, and the several Committees now on foot. And that it is lawful for all Persons whatsoever to lodge, harbour or converse with them, or any of them; and whosoever shall be question'd for the same, shall be under the protection and privilege of Parliament.

And we do farther declare, That the publishing of several Articles, purporting a Form of a Charge of High Treason against the Lord *Kimbolton*, one of the Members of the Lords House, and against the said Mr. *Hollis*, Sir *Arthur Haslerig*, Mr. *Pym*, Mr. *Hampden*, and Mr. *Strode*, by Sir *William Killigrew*, Sir *William Fleming*, and others of the Inns of Court, and elsewhere in the King's Name, was a high Breach of the Privilege of Parliament, a great Scandal to His Majesty and His Government, a seditious Act, manifestly tending to the Subversion of the Peace of the Kingdom, and an Injury and Dishonour to the said Members, there being no legal Charge or Accusation against them.

That the Privileges of Parliament, and the Liberties of the Subjects so violated and broken, cannot be fully and sufficiently vindicated, unless His Majesty will be graciously pleased to discover the Names of those Persons, who advised His Majesty to issue out Warrants for the Sealing of the Chambers and Studies of the said Members, to send a Serjeant at Arms to demand the said Members, to issue out several Warrants under His Majesty's own Hand, to apprehend the said Members; His Majesty's coming thither in his own Royal Person, the publishing of the said Articles and printed Paper, in the Form of a Proclamation against the said Members in such manner as is before declared, to the end that such Persons may receive condign Punishment.

And this House doth farther declare, That all such Persons as have given any Council, or endeavoured to set or maintain division or dislike between the King and Parliament, or have lifted their Names, or otherwise entred into any Combination or Agreement, to the aiding or assisting to any such Counsel or Endeavour, or have perswaded any other so to do, or that shall do any the things above-mentioned; and that shall not forthwith discover the same to either House of Parliament, or the Speaker of either of the said Houses respectively, and disclaim it, are declared publick Enemies of the State and Peace of this Kingdom, and shall be inquired of, and proceeded against accordingly.

This



This Day divers Knights, Gentlemen and Freeholders of the County of Bucks, to the Number of about four Thousand (as they were computed) came to London, riding every one with a printed Copy of the *Protestation* lately taken in his Hat; and presented the following Petition to the Lords, and the like in effect to the Commons.

17 Caroli.  
Jan. the 12.

To the Right Honourable the House of Peers now Assembled in Parliament.

The humble Petition of the Inhabitants of the County of Bucks.

Sheweth,

**T**HAT whereas we hoped upon the happy Assembly of this present Parliament, we should have had a speedy Redress of those Pressures we have for many years been under, but have been hitherto in a great measure frustrated of our hopes by the strong Counterworking of a malignant Faction, whereby the perfecting of Reformation is hindered, the Endeavours of the House of Commons in great part unsuccessful, our dangers grown upon us by reiterated Plots, Priest and other Delinquents unpunished, to the encouragement of others; Ireland lost by protracted Counsels, while thousands are there Butchered by many cruelties; and to cut off all hopes of future Reformation, the very Being of our Parliaments endangered by desperate and unexampled breach of Priviledges, which by our Protestation lately taken, we are bound with our Lives and Estates to maintain; and in respect of that late attempt upon the honourable House of Commons, we are now come to offer our service to that end, and resolved in their just defence to live and dye.

And therefore humbly pray, That this most honourable House will Co-operate with the House of Commons, in most speedy perfecting the most necessary work of Reformation; bringing to condign and exemplary punishment, both wicked Counsellors, and evil Plotters and Delinquents; That Ireland may have speedy relief; the Priviledges of Parliament fortified against all future attempts; and the whole Kingdom put into a sure and present posture of Defence, that we may live both safe from all practices of the malignant Party at home, and the endeavours of any ill effected States abroad.

And your Pititioners shall ever pray, &c.

The Pititioners received the Thanks of each House, and acquainted the House of Commons, That they had a Petition also to His Majesty, and desired the directions of that House touching the best way of delivering it, who told them that they conceived if they selected six or eight of their number to wait upon His Majesty with it, that course would be most acceptable. And accordingly they made choice of such a number, who repaired to the King at Windsor, and presented the Petition following.

They desire directions how to deliver a Petition to his Majesty.

To the King's most Excellent Majesty.

The humble Petition of the Inhabitants of the County of Buckinghamshire.

Sheweth,

**T**HAT your Petitioners having by vertue of your Highnesses Writ, chosen John Hampden Knight for our Shire, in whose Loyalty we his Countrymen and Neighbours have ever had good cause to confide: However of late to our no less amazement than grief we find him with other Members of Parliament accused of Treason: And having taken into our serious consideration the manner of their Impeachment, we cannot but (under your Majesty's favour) conceive that it doth so opugn the Rights of Parliament, to the maintainance whereof our Protestation binds us, That we believe it is the Malice which their Zeal to your Majesty's service and the State, hath contracted in the Enemies to your Majesty, the Church and Common-wealth, hath occasioned this foul accusation, rather than any deserts of theirs, who do likewise through their sides wound the Judg-  
ment

The Pitition of Buckinghamshire on behalf of Mr. Hampden, to the King at Windsor January the 13th.



An. 1641.

The King's Answer.

King waves his accusation of the five Members before the Lords, and will prosecute them at Common Law.

His Majesty's profession and addition to his last Message touching the five Members Jan. the 14th. 1641.

The Attorney General's Examination about the Articles against the five Members.

ment and Care of us your Petitioners and others, by whose choice they were presented to the House.

Your Petitioners therefore most humbly pray, That Mr. Hampden, and the rest that lye under the burthen of that accusation, may enjoy the just Priviledges of Parliament.

And your Petitioners shall ever pray, &c.

Windfor, 13. Jan. 1641.

**H**IS Majesty being graciously pleas'd to let all his Subjects understand his Care not knowingly to violate in the least degree any of the Priviledges of Parliament, hath therefore (lately) by a Message sent by the Lord Keeper, signified, that he is pleased, because of the doubt that hath been raised of the manner, to wave his former proceedings, and the rest mentioned in this Petition; concerning whom his Majesty intends to proceed in an unquestionable way. And then his Majesty saith it will appear, that he had so sufficient grounds to question them, as he might not in Justice to the Kingdom, and Honour to Himself, have forbore: And yet his Majesty had much rather that the said Persons should prove innocent, than be found guilty: However he cannot conceive that their Crimes can in any sort reflect upon those his good Subjects, who elected them to serve in Parliament.

The King sent this Addition to his former Message to the two Houses.

**H**IS Majesty being no less tender of the Priviledges of Parliament, and thinking himself no less concern'd, that they be not broken, and that they be asserted and vindicated whensoever they are so, than the Parliament itself, hath thought fit to add to his last Message this Profession, That in all his Proceedings against the L. Kimbolton, Mr. Hollis, Sir Arthur Haslerig, Mr. Pym, Mr. Hampden, and Mr. Strode, he had never the least intention of violating the least Priviledge of Parliament: And in case any doubt of Breach of Priviledge remains, will be willing to clear that, and assert those by any reasonable way that his Parliament shall advise him to; upon confidence of which, he no way doubts his Parliament will forthwith lay by all Jealousies, and apply themselves to the Publick and pressing Affairs, and especially to those of Ireland, wherein the good of this Kingdom and the true Religion (which shall ever be his Majesties first care) are so highly and so nearly concerned. And his Majesty assures himself, that his care of their Priviledges will encrease their tenderness of his lawful Prerogative, which are so necessary to the mutual defence of each other; and both which will be the foundation of a perpetual perfect intelligence between his Majesty and Parliament, and of the happiness and prosperity of his People.

But notwithstanding these Messages the House of Commons were not satisfied, but resolved to proceed against Sir Edward Herbert the Attorney General, and in order thereunto caused him to be examined before the Lords as follows:

*The Questions propounded to Mr. Attorney General by the House of Commons, and his Answers thereunto.*

**Question I.** *Whether did you contrive, frame, or advise the said Articles, or any of them?*

**Answer.** I will deal ingenuously and freely, and shall say the same which before I did to your Lordships; I need no long time to answer this, I did none of these three, neither contrive, frame, nor advise these Articles, or any of them, and will be content to die if I did it.

Quest.



Quest. II. *Whether do you know the Truth of the said Articles, or any of them in your own knowledge, or by information?* 17 Caroli.

Ans. I do know nothing of my own knowledge of the truth of this, nor of any particular, nor have heard by information: This I speak upon the truth of an honest Man, and nothing was ever said to me of this, but by my Master the King.

Quest. III. *Whether will you undertake to make good the said Articles, or any of them, when you shall be thereunto called by due course of Law?*

Ans. By my former expression you may discern what answer I can make to this; I cannot undertake to make one tittle good in them, otherwise than my Master shall command me and enable me, for of my self I cannot nor will not, no more then one that ever heard of them.

Quest. IV. *From whom received you these Articles, and by whose direction and advice did you exhibit them?*

Ans. It was by my Master the King his express command I did exhibit them, from his hand I did receive them.

Quest. V. *Whether had you any Testimony or Proof of these Articles before the exhibiting of them?*

Ans. For the exhibiting of these Articles I received his Majesties command.

To which Answer Mr. Serjeant *Wild* replied, the House of Commons desires you to Answer whether you had any Proof or Testimony, or any Information of any proof of these Articles, they in no kind desired to know what you had. To this Mr. Attorney answered, *There is nothing in the World, but I shall be most ready to answer to; but this I desire time to consider of, in regard of a Trust between Master and a Servant.*

Die Sab. 15. Jan. 1641.

**I**t is resolved by the House of Commons, since the said Answer of Mr. Attorney General, that he hath broken the Priviledge of Parliament in preferring the said Articles, and that the same is illegal, and he criminous for so doing: And that a Charge be sent up to the Lords in the name of the House of Commons, against Mr. Attorney General, to have satisfaction for this great Scandal and Injury to the Members thereof, unless by Thursday next, he bring in his Proof, and make good (if he can) the said Articles against the said Persons, or any of them.

Commons  
Vote, the At-  
torney to be  
Impeached.

*The Impeachment of Sir Edward Herbert Knight, the  
King's Attorney General.*

**T**hat the said Edward Herbert Kt. his Majesties Attorney General sworn, did on the third day of January in the year of our Lord 1641. contrary to his Oath and the Duty of his Place, falsely, scandalously, and maliciously, advise, frame, and publish certain false scandalous Articles of High-Treason against the Lord Kimbolton, one of the Members of the House of Peers in Parliament, Denzil Hollis Esq; Sir Arthur Haslerig Bar. John Pym, John Hampden and William Strode Esquires, being then and yet Members of the House of Commons in Parliament; which Articles follow in these words.

The Im-  
peachment of  
the Attorney  
General.

I. *That they have traiterously endeavoured, &c. (as before the said Articles are set down) and the said Sir Edward Herbert, the said 3d. day of January did falsely, unlawfully, and maliciously exhibit the said Articles unto the House of Peers in Parliament, and caused the same to be entered into the Clerks Book of the said House, intending and endeavouring thereby falsely, unlawfully, and maliciously to deprive the said Houses of their said several Members, and to take away their Lives, Estates, and good Names. All which doings of the said Attorney and every of them, were and are high Breaches of the Priviledges*



Ann. 1641.

of Parliament tending to Sedition, and to the utter Subversion of the Fundamental Rights and Being of Parliaments, the Liberty of the Subject, and to the great Scandal and Dishonour of His Majesty, &c.

For which high Crimes and Misdemeanors the said Commons, saving to themselves the liberty of exhibiting any further or other Impeachment or Accusation against the said Sir Edward Herbert, do impeach him, and do pray that he may be put to answer the Premises in the presence of the Commons.

*The Answer of Sir Edward Herbert Knt. His Majesty's Attorney General, to the Impeachment exhibited against him by the honourable House of Commons in this present Parliament.*

The Attorney's Answer to the Impeachment.

**T**HE said Defendant saving to himself now and at all times hereafter, all just Exception to the said Impeachment, as the same is charged, for Answer, saith and acknowledgeth that he is, and the 3<sup>d</sup>. day of *January* last past, was His Majesty's Attorney General sworn: but whereas he is charged with the malicious, false and scandalous advising and contriving the Articles in the said Impeachment mentioned, he saith, that he was and is so far from any malice, falshood or scandal, in the advising and contriving of the same, or any of them, that he did not at all advise or contrive the said Articles or any of them, nor ever knew or heard of them or any of them, until he received them from His Majesty's Hands, the said 3<sup>d</sup>. day of *January* last past, ready ingrossed in Paper.

And as to that part of the said Impeachment, which chargeth this Defendant with the Exhibiting of the said Articles to this honourable House, he saith, that upon the said 3<sup>d</sup>. day of *January*, he repaired to his Majesty by his command, who then delivered unto this Defendant a Paper containing the Articles in the said Impeachment mentioned, and did command him in His Majesty's Name, to acquaint this honourable House, that divers great and treasonable Designs and Practices against His Majesty and the State, are come to His Majesty's knowledge, for which His Majesty commanded this Defendant in His Majesty's Name, to accuse six Members in the said Paper mentioned, of High-Treason, and other High Misdemeanors, by delivering that Paper to your Lordships, and to desire to have it read: And further to desire in His Majesty's Name, that a select Committee of Lords might be appointed to take the Examinations of such Witnesses as His Majesty should produce, as formerly had been done in cases of like nature, according to the Justice of this House, and that Committee to be under a command of *Secresie*, as formerly; and further in His Majesty's Name, to ask liberty to add and alter, if there should be cause, according to justice: And likewise that your Lordships would take care of the securing of the said Persons, as in Justice there should be cause; and according to His Majesty's said command, this Defendant did come to this honourable House, the said 3<sup>d</sup>. day of *January*, and then after the Right Honourable *Edward Lord Littleton*, Lord Keeper of the Great Seal of *England*, had declared to this honourable House, that he was commanded by His Majesty to let your Lordships know that His Majesty had given this Defendant command to acquaint your Lordships with some things from His Majesty, this Defendant there upon the said 3<sup>d</sup>. day *January* in this honourable House before your Lordships then and there sitting in Parliament, in obedience to His Majesty's said commands, as a Message from him, did declare the foresaid commands of His Majesty, by acquainting your Lordships that the King had commanded him to tell your Lordships, that divers great and treasonable Designs and Practices against him and the State had come to His Majesty's knowledge, for which the King had given his command to accuse six Persons of High-Treason, and other High Misdemeanors, by delivering these Articles: And that he was commanded to desire your Lordships to have them read, which by your Lordships command, were accordingly read by the Clerk; and then further declared, that he was also commanded by His Majesty, to desire on His Majesty's behalf, that a select Committee might be appointed to take the Examination of such Witnesses as the King would produce, as formerly had been done in cases of like nature, according to the Justice of this House: and this Committee to be under a command of *secresie*, as formerly: and that he was commanded to ask liberty to add according to Justice: and that he



he was commanded to desire that your Lordships would take care for the securing of those Persons as in Justice there should be cause: and saith, he did not conceive there could be any offence in what was so done by him in this honourable House in obedience to those His Majesty's commands, being wholly thereby left to your Lordships Wisdoms and Judgments, being His Majesty's great Council and greatest Court for Advice and Justice, and as touching the false, scandalous, and malicious advising, contriving or publishing the said Articles, or any other Articles against the said Persons in the said Papers mentioned, or any of them, or any breach of this Defendants Oath of Attorney General, and to the false, unlawful and maliciously exhibiting the said Articles into this honourable House, or causing any entry thereof to be made, and the intent and endeavour falsly, unlawfully and maliciously to deprive this honourable House, or the honourable House of Commons, of any of the Members of the said Houses, or to take away any of their Lives, Estates, or good Names, and every Offence and Misdemeanor charged by the said Impeachment upon this Defendant, he saith he is not guilty of them, or any of them, in such manner and form as by the said Impeachment is charged. All which matters and things this Defendant is, and will be ready to aver and prove in such sort, as to this honourable House of Parliament shall seem meet.

Thomas Gardiner,

John Fountayne,  
Arthur Trever.

The 21. of January both Houses petitioned his Majesty, that they might be informed what Proof there was against the Lord Kimbolton and the Five Members, that they might speedily be proceeded against in a Parliamentary way, &c. To which his Majesty returned this Answer.

An. 1641.

**H**IS Majesty having seen and considered the Petition presented unto him the 21. of this instant by the Earl of Newport and the Lord Seymour, in the names of both Houses of Parliament, is pleased to return this Answer, That he doth well approve of the desire of both Houses for the speedy proceeding against the Persons mentioned in the Petition, whereof his Majesty finding the great inconveniencies by the first mistake in the way, hath indured some delays, that he might be informed in what order to put the same; but before that that be agreed upon, his Majesty thinks it unusual or unfit to discover what proof is against them, and therefore holds it necessary, least a new mistake should breed more delays, (which his Majesty to his Power will avoid) That it be resolved whether his Majesty be bound in respect of Privileges, to proceed against them by Impeachment in Parliament; or whether he be at liberty to prefer an Indictment at the Common Law in the usual way, or have his choice of either: Whereupon his Majesty will give such speedy directions for prosecution, as shall shew his Majesties desire to satisfie both Houses, and to put a determination to the business.

Petition that the King would speedily proceed against the Members charged Jan. the 21st.

His Majesty's Letter in Answer thereunto Jan. the 24th.

To the King's most Excellent Majesty.

The humble Petition of the Lords and Commons now Assembled in Parliament:

Sheweth,

**T**hat whereas your Majesty by a Message sent to both Houses of Parliament signified an apprehension of some treasonable Matter to have been committed by the Lord Kimbolton, Mr. Hollis, Sir Arthur Haslerig, Mr. Pym, Mr. Hampden, and Mr. Strode, and thereby declared your Majesty's intentions to proceed against them in an unquestionable way; We the Lords and Commons in this present Parliament assembled, did make our humble Petition to your Majesty, to give directions, that your Parliament might be informed before Tuesday then next ensuing, what proof there was against them, that accordingly there might be a Legal and Parliamentary proceeding against them, whereby they might be brought to condign punishment, if guilty; or discharged from so heavy an accusation, if innocent. And whereas your Majesty was graciously pleased in

Another Petition of the Houses touching the same business, Feb. the 2d. 1642.



An. 1641

answer to that Petition, to express your good approbation of the desire of both Houses for the speedy proceeding against the Persons in that Petition mentioned: Yet your Majesty gave no other satisfaction to their desire than this, That your Majesty held it necessary, lest a new mistake should breed more delays, that it should be resolved, whether your Majesty were bound in respect of Priviledges to proceed against them by Impeachment in Parliament, or be left at liberty to prefer an Indictment at the Common Law in the usual way, or to have the Choice of either. And we finding still that there is no Legal and Parliamentary proceedings against them, and that they still lie under the burthen of that high Charge, we think it our Duty once again to beseech your Majesty to give directions, that your Parliament may be informed before Friday next, what proof there is against them, that accordingly they may be called to a Legal Trial, it being the undoubted Right and Priviledge of Parliament; That no Member of Parliament can be proceeded against without the consent of Parliament. And this we most humbly conceive our selves obliged to ask, it being no less agreeable with Justice to have the Innocency of Parties unjustly charged, manifested, than to bring the Nocent to their just punishment.

To this Petition his Majesty returned this Answer.

King's Answer.

And offer of a General Pardon.

**T**HAT as he once conceived, that he had ground enough to accuse them, so now his Majesty finds as good cause wholly to desert any Prosecution of them. And for a further Testimony of his Majesties real intention towards all his loving Subjects (some of whom happily may be involved in some unknowing and unwilling Errors) for the better composing and settling of all Fears and Jealousies of what kind soever, his Majesty is ready to grant as Free and General a Pardon for the full contentment of all his loving Subjects, as shall by the Approbation of both Houses of Parliament be thought convenient for that purpose.

But the Houses not satisfied with this, address another Petition to his Majesty in these words.

To the King's most Excellent Majesty.

The humble Petition of the Lords and Commons now Assembled in Parliament.

Sheweth,

Houses Petition, that the Informers against the 5 Members may be discovered, Feb. 14.

**T**HAT your Majesty in Answer to their late Petition touching the Proceedings against the Lord Kimbolton, Mr. Hollis, Sir Arthur Haslerig, Mr. Pym, Mr. Hampden and Mr. Strode, Members of the Parliament, was pleased to signify, That as your Majesty once conceived, that you had ground enough to accuse them; so now your Majesty finds as good cause wholly to desert any further prosecution of them. Notwithstanding which, they remain still under that heavy charge so imputed unto them, to the exceeding prejudice not of themselves, but also of the whole Parliament. And whereas by the express Laws and Statutes of this your Realm, that is to say, by two Acts of Parliament, the one made in the 37th and the other in the 38th Year of the Reign of your most noble Progenitor King Edw. the 3d. If any Person whatsoever make suggestion to the King himself of any Crime committed by another, the same Person ought to be sent with the suggestion before the Chancellor or Keeper of the Great Seal, the Treasurer, or the Great Council, there to find Surety to pursue his suggestion; which if he cannot prove, he is to be Imprisoned till he hath satisfied the Party accused of his damages and slander, and made Fine and Ransom to the King. The said Lords and Commons therefore humbly beseech your Majesty, that not only in point of Justice to the said Members in these particulars, but for the Vindication of the Rights and Priviledges of Parliament, your Majesty will be pleased to send the Person, or Persons that in this case made the Suggestions or Informations, to your Parliament, that so such Fruits of the said good Laws may be had as was intended by them, and the Rights and Priviledges of Parliament may be vindicated, which of Right and Justice ought not to be denied.

What Answer His Majesty was pleased to return to this Petition, or whether any, I do not find or remember. But sometime after His Majesty sent this Letter touching the Attorney General.

Charles



Charles Rex.

**R**ight trusty and well beloved Counsellor, We greet you well, and have thought good hereby to certifie, That We did the 3d. of January last deliver to our Attorney certain Articles of accusation ingrossed in Paper, a Copy whereof We have here sent enclosed; and did then command him in our Name, to acquaint Our House of Peers, that divers great and treasonable Designs and Practices against Us and the State had come to Our knowledge, for which We commanded him in Our Name to accuse the six Persons in the said Paper mentioned of High-Treason and other High-Misdemeanors, by delivering the Paper to Our said House, and to desire to have it read. And further to desire in Our Name, That a select Committee of Lords might be appointed to take the Examinations of such Witnesses as We would produce, and as had formerly been done in cases of like nature, according to the Justice of the House; and the Committee to be under a command of secrecie, as formerly; and further in Our Name to ask liberty to add and alter if there should be cause. We do therefore declare, That Our said Attorney did not advise or contrive the said Articles, nor had any thing to do with, or in advising any breach of Priviledge that followed after. And for what he did in obedience to Our commands, we conceive We was bound by Oath and the Duty of his Place, and by the Trust by Us reposed in him, so to do: And had he refused to obey Us therein, we would have questioned him for breach of Oath, Duty and Trust. But now having declared, That we find cause wholly to desist from proceeding against the Persons accused, We have commanded him to proceed no further therein, nor to produce nor discover any proof concerning the same.

Given at Royston the 4th of March 1641.

This Sentence afterwards passed upon Sir, Edward Herbert in the Lords House for his accusing the said Members.

Sabbati 23. April 1642.

**W**hereas Sir Edward Herbert Knt. His Majesty's Attorney General hath been impeached by the Knights, Citizens and Burgesses of the House of Commons, for the advising, contriving and publishing certain false, scandalous and malicious Articles of High-Treason against the Lord Kimbolton, one of the Members of the House of Peers, Sir Arthur Haslerig Knt. Denzil Hollis Esq; John Pym, John Hampden and William Strode, Esquires, being then, and yet Members of the House of Commons, and for causing Articles of High-Treason to be entred into the Clerks Book of the said House of Peers, which was done against the Priviledges of Parliament, tending to the Subversion of the Ancient Rights, and Being of Parliaments, and against the Liberty of the Subject, and contrary to his Oath, and the Laws of this Realm.

The Lords having taken the said Charge into due consideration, do find him guilty of the Exhibiting the said Articles into the House of Peers, and causing the same to be entred into the Clerks Book of the said House, intending thereby falsely, unlawfully and maliciously to deprive the said Houses of the said several Members; all which doings were and are high breaches of the Priviledges of Parliament, tending to the Subversion of the Ancient Rights and Being of Parliaments, and contrary to the Liberty of the Subject, and are of great scandal of his Majesty and his Government, and against the Laws of this Realm. For which Offences this high Court doth award and adjudge:

1. That Sir Edward Herbert His Majesty's Attorney General, is by Sentence of this House disabled, and made incapable of being a Member,  
Assistant

17 Caroli.

The King's  
Letter to the  
Lord Keeper  
concerning  
Sir Edward  
Herbert's accu-  
sing the  
Members  
Mar. 4. 1641.

Sir Edw. Her-  
bert Senten-  
ced, April 23.  
1642.



17 Caroli.

*Assistant or Pleader in either House of Parliament, and of all Offices, saving that of Attorney General, which he now holds.*

2. *That Mr. Attorney General shall be forthwith committed to the Prison of the Fleet, during the pleasure of this House.*

The end of  
the Second  
Chapter.

And thus rested the business touching the said Members, which gives an end to this Chapter.

We now return to some other Passages in the Month of Jan. 1642.

Jan. the 5th.  
Arms and  
Relief order-  
ed for Ireland.

**T**HE Committee for *Irish* Affairs having made a Report, the following Votes passed in the House.

1. That all the Arms, Ammunition and Ordnance at *Carlisle* be sent to *Carrickfergus* in *Ireland*, for the Supply of the *Northern* parts of that Kingdom: And for their further supply, and to Arm the two Regiments of the Lord *Conway* and Sir *John Clotworth*, there shall be sent from the *Tower* one thousand Musquets with Bullet and Match proportionable, one thousand five hundred Swords, ten Lasts of Powder, to be disposed of as the Lord Lieutenant shall think fit.

2. That there shall also be sent out of the *Tower*, to the Lord President of *Munster*, ten Lasts of Powder with Bullets and Match proportionable.

3. That 2000 *l.* be ordered to be delivered to Sir *William Brereton* out of the Subsidies or Poll-money, to pay the three hundred Horse now at *Chester*, and for their Transportation. And 3000 *l.* out of the said Subsidy or Poll-money in *Cheshire* or *Wales*, for the present relief of *Dublin* and *Drogheda*, to be received by the Victualer; and two thousand to be delivered here to to the Victualer of *Carrickfergus*.

By the KING.

King's Pro-  
clamation for  
a general  
Monthly Fast  
Jan. the 8th.

**H**IS Majesty taking into his Princely and Pious consideration, the lamentable and distressed Estate of his good Subjects in his Majesty's Kingdom of *Ireland*, and conceiving it to be a just and great occasion, calling upon Him and his People of this his Kingdom of *England*, for a general Humiliation of all Estates of this Kingdom before Almighty God in Prayer and Fasting, for drawing down his Mercy and Blessing upon that Kingdom: His Majesty doth therefore by his Proclamation straitly charge and command, That a general, publick and solemn Fast be kept and holden, as well by abstinence from Food, as publick Prayer, Preaching and hearing of the Word of God, and other sacred Duties in all Cathedral, Collegiate, and Parish Churches and Chappels within this His Majesty's Kingdom of *England* and Dominion of *Wales* (His Majesty's Cities of *London* and *Westminster* only excepted, where it hath already been observed) on the 20th. day of this present Month of *January*.

And His Majesty doth further by this his Proclamation straitly charge and command, That a general, publick and solemn Fast be kept and holden as well by abstinence from Food, as by publick Prayers, Preaching and hearing of the Word of God, and other sacred Duties in all Cathedral, Collegiate, and Parish Churches and Chappels within this Kingdom of *England* and Dominion of *Wales* (without any exception) on the last *Wednesday* of the Month of *February* next following the date hereof, and from thenceforth to continue on the last *Wednesday* of every Month during the Troubles of the said Kingdom of *Ireland*. All which His Majesty doth expressly charge and command shall be reverently and devoutly performed by all his loving Subjects, as they tender the favour of Almighty God, and would avoid his just Indignation against this Land, and upon pain of such Punishments as His Majesty can justly inflict upon all such as shall contemn or neglect so religious a Work.

Given at our Court at White-Hall the 8th. of January,  
in the 17th Year of our Reign.

The



The Parliament sent for Sir *John Byron* Lieutenant of the *Tower* (about this sending forth Arms on the 4<sup>th</sup>. of *January* to *White-hall*) but he refused to come, telling the Messenger that he had an Order from the King not to stir out of the *Tower*, and sent a Copy of the King's Warrant to that purpose; whereupon it was ordered that he should again be sent for to come at his peril; and then he came and gave an Account to the Lords what Arms and Ammunition he sent, and afterwards to the Commons, first kneeling at the Barr of both Houses for his contempt in not attending at the first Summons, and so he was dismiss'd.

The Lord Steward reported in the House of Lords, the King's Answer to the desire of both Houses touching Guards, viz. That to secure their fears, His Majesty will command the Lord Mayor to appoint two hundred Men out of the Train-bands of the City (such as he will be answerable for, to the King) to wait on the two Houses under the Command of the Earl of *Lindsey*, as being most proper for him in respect of his Office of Lord Great Chamberlain, whereby he hath a particular charge of the Houses of Parliament.

It was this day ordered by the Commons, That two Companies of the Train'd-Bands of the City and Suburbs, should every day attend upon the House, as a Guard, under the Command of Serjeant Major *Skippon*.

Information was given to the House of Commons, That the Lord *Digby* with Colonel *Lunsford* and other disbanded Officers and Reformadoes have with Troops of Horse appeared in a warlike manner at *Kingston* in *Surrey*, where the Magazine of Arms for that part of the County lies, to the terror of his Majesty's Subjects; and that 'tis given out, they were to go to *Portsmouth*. A Committee was appointed to consider of this Information, who reported, That there were about two hundred Men there that are Officers, and that the Town is full of Horses; that they have Pistols, and carry themselves in a disorderly manner, to the terror of the People: That my Lord *Digby* was there on Horse-back with Pistols, that Colonel *Lunsford* and two others of that Name were there also, and that there was two Cart-loads of Ammunition going to them. Whereupon there passed the next day the following Order:

**W**Hereas Information hath been given to the Parliament, that the Lord *Digby* Son to the Earl of *Bristol*, and Colonel *Lunsford* with others have gathered Troops of Horse, and have appeared in a warlike manner at *Kingston* upon *Thames*, in the County of *Surrey*; where the Magazine of Arms for that part of the County lies, to the terror and affright of his Majesty's good Subjects, and disturbance of the publick Weal of the Kingdom. It is this day ordered by the Lords and Commons in Parliament, that the Sheriffs of the several Counties of *England* and *Wales*, calling to their assistance the Justices of the Peace, and the Train'd Bands of those several Counties, or so many of them as shall be necessary for the Service, shall suppress all unlawful Assemblies gathered together, to the disturbance of the publick Peace of the Kingdom, in their several Counties respectively; and that they take care to secure the said Counties and all the Magazines in them.

Ordered by the Lords in Parliament, That this Order be Printed, and Published in all the Market Towns in this Kingdom.

*John Browne, Cler. Parliament.*

And particularly the Train'd-Bands of *Sussex* and *Hampshire* were sent unto to suppress the said Forces, and to prevent the carrying of Arms or Ammunition to *Portsmouth*. And an Order sent from both Houses to Colonel

17 *Caroli.*  
Jan. the 12<sup>th</sup>  
Lieutenant of  
the Tower sent  
for.

The King  
consents to a  
Guard for the  
Parliament  
under the  
E. of *Lindsey*.

Commons  
order a  
Guard under  
Serjeant Ma-  
jor *Skippon*.

Jan. the 12<sup>th</sup>.  
Lord *Digby*  
said to be in  
Arms at  
*Kingston*.

Odered a-  
bout the Lord  
*Digby* and  
Col. *Lunsford's*  
appearing in  
Arms at *King-  
ston* upon  
*Thames*.

*Portsmouth*.



An. 1641.

Sir John Hotham to be Governour of Hull.

Mr. John Hotham sent down to Hull

A Bill about Adjourning to any other place.

Jan. the 13th. A Guard set about the Tower.

Great Saddles seized.

The Royal Assent to Two Acts by Commission. Fryday Jan. the 14th. Ammunition for the Rebels in Ireland from Dunkirk to be stopt by the Dutch.

Colonel Goring the Governor of *Portsmouth*, requiring him not to deliver up the Town, nor receive any Forces into it, but by his Majesty's Authority signified by both Houses of Parliament. Likewise the Lords were moved to make an Order, requiring the Lord Digby to give his attendance in the House.

The aforesaid Debate about *Portsmouth*, gave occasion to the Parliament to take into their consideration the securing of the Town and Magazine at *Hull*; and thereupon the Commons sent a Message to the Lords by Sir Philip Stapleton, That the Commons are informed, *There is at Hull a Magazine of Arms of the King's for sixteen thousand Men, with Ammunition proportionable; but in regard no great strength is in the Town, and that the Country adjacent is full of Papists and Persons ill-affected, They desire their Lordships Concurrence in an Order, That some of the Train'd-Bands of Yorkshire nearest to the Town of Hull, shall be put into the said Town of Hull, under the Command of Sir John Hotham Knt. for securing the King's Magazine there, and the Town; and the said Sir John to command the said Town and Forces; and that he, or who-ever he should appoint under him, shall not deliver it up, or the Magazine, or any part thereof, without the King's Authority signified by the Lords and Commons in Parliament: To which their Lordships consented.*

And to hasten this Order down to *Hull*, Mr. John Hotham (Sir John's Son, and a Member also of the House of Commons) was ordered by the House, to go immediately with the same; and Mr. Hotham then standing up in the Gallery of the House of Commons, thus expressed himself, *Mr. Speaker! fall back! fall edge! I will go down, and perform your commands. (See afterwards, the Chapter of Hull.)*

A Bill having been brought into the House, declaring that the Lords and Commons may Adjourn themselves to any place, and the same having passed the Commons, was this day transmitted to the Lords, where it passed also.

An Order was made by both Houses, that the Earl of *Newport*, Master of the Ordnance, and the Lieutenant of the *Tower*, their Deputies, or Officers shall not suffer any Ordnance or Ammunition to be carried out of the *Tower*, without the King's Authority signified by both Houses of Parliament; and that for the better safe-guard of the *Tower*, the Sheriffs of *London* and *Middlesex* shall appoint and set a sufficient Guard both by Land and Water, about it, to be commanded by Serjeant Major Skippon.

One Lee a Water-man informed the House of some great Saddles that were to be sent to *Kingston*; the Serjeant attending the House, was ordered to seize them, who did seize the same accordingly.

The Lord Keeper having been ordered to wait upon the King, and desire his Royal Assent to three Bills which had pass'd both Houses, viz. one for pressing of Mariners, another touching Captives in *Algeirs*, and the third touching the Houses Adjourning to any other place at their pleasure, did this Day signifie His Majesty's Answer, That he would pass the two first by Commission, but as to the last, because neither he nor any of his Council have seen it, his Majesty will take time to consider of it; and accordingly on the 15th day, the two former Bills were passed by Commission; directed to the Lord Keeper Littleton, the Earl of *Lindsey*, and the Earl of *Cumberland*.

Information being given, That some Ships laden with Arms, Ammunition, and Provisions for the relief and assistance of the Rebels in *Ireland*, were going from *Dunkirk* and other Ports in *Ireland*; the Houses sent to the Dutch Ambassador, desiring that there might be present Order given



given to the States Ships that lie before *Dunkirk*, for the staying of all such Ships so laden, which the Ambassador promised should be done accordingly.

Mr. *Bagshaw* of *Windsor* informed the House of Commons, That the last Night as he went to *Windsor* (where the Court then was) he saw divers Troops of Horse, and that there came a Waggon loaded with Ammunition thither, and another Waggon that went from thence to *Portsmouth*; and that he was informed there were about four hundred Horse in the Town, and about some forty Officers, which was communicated to the Lords, and an Order passed, That Serjeant Major *Skippon* take care, that ten Horse-men be forthwith appointed to go as Scouts from time to time, to give Intelligence if any Forces do approach near the City, and this House will undertake to pay them; and also to take care for appointing of Boats and small Vessels to lie upon the River for the like Service; which shall likewise be satisfied by the House. Mr. *Pierpoint*, Sir *Richard Care*, Mr. *Hollis*, Mr. Solicitor, Mr. *Glyn*, Sir *Philip Stapleton*, Sir *Henry Vane*, and Mr. Chancellor of the *Exchequer*, are appointed a Committee to consider of some Heads for putting the Kingdom into a Posture of Defence.

The Commons having formerly desired the Lords to join with them in a Petition to the King for the Removal of Sir *John Byron*, lately appointed Lieutenant of the *Tower*, and the Lords declining it, did this Day again renew their Motion to their Lordships, and offered these Reasons.

1. The Parliament cannot confide in Sir *John Byron*, because he hath been disobedient, and refused to come upon the Summons of both Houses.

2. The Citizens cannot confide in him, alledging that he is a Stranger to them; and this Diffidence causes Merchants to take away their Bullion out of the *Mint*; and a Ship being at present arrived richly laden with Bullion, the Owners for this Reason forbear to bring it into the *Mint*.

3. Because it much concerns the City, it being a great Charge to maintain a Guard about the *Tower*; and therefore desire their Lordships Concurrence in a Petition that he may be removed, and Sir *John Coniers* recommended to his Majesty for that Place; but still the Lords refused.

The twelve Bishops impeached, were severally brought to the Bar of the Lords House, and put in their Answers to the said Impeachment, which they all did in this Form:

I — *Bishop of such a Place, saving to my self all Advantages of Exception to the Insufficiency of the said Impeachment; for my self, say, That I am not guilty of the Treason charged by the said Impeachment in Manner and Form as the same is therein charged.*

Within few Days after his Majesty's Absence from *White-Hall*, the House of Lords was acquainted by the Earl of *Essex*, Lord Chamberlain of his Majesty's Household, that the King had laid his Commands upon him and the Earl of *Holland*, Groom of the Stole, to attend his Majesty at *Hampton-Court*, concerning which they pray'd the Pleasure of the House, being required by their Writs there to attend the Business of the Kingdom. The House would not dispense with their Absence, in respect of the many great and urgent Affairs depending; whereupon they excused themselves to his Majesty as well as they could, that in Obedience to his Writ they were obliged to assist in Parliament, and that their Attendance there about the high Affairs of the Realm, was truer Service to his Majesty, than any they would do him at *Hampton*. The King soon after sent a

17 *Caroli.*

Information  
of Troops  
and Ammu-  
nition at  
*Windsor*.

Scouts ap-  
pointed.

Saturday, Jan.  
the 15th,  
Reasons for  
removing Sir  
*John Byron*  
from the  
Lieutenancy  
of the *Tower*.

The Im-  
peachment.  
Bishops Plea.

Jan. 1642.  
Earls of *Essex*  
and *Holland*  
sent for by  
the King, but  
excuse their  
going.



17 Caroli.

Messenger to demand the *Staff* of the one, and the *Key* of the other (the *Ensigns* of their Offices) which they resigned accordingly.

To the King's most Excellent Majesty.

The humble Desires of the Commissioners of his Majesty's Kingdom of SCOTLAND.

The Petition and Advice of the Commissioners of Scotland to the King, by way of Mediation, Jan. the 15th.

**W**E your Majesty's humble and faithful Subjects, considering the mutual Relation betwixt your Majesty's Kingdoms of *Scotland* and *England*, is such, as they must stand or fall together, and the disturbance of the one must needs disquiet and distemper the peace of the other, as hath been often acknowledged by them both, and especially in the late Treaty, which is ratified in Parliament, and confirmed by the publick Faith of the Estates of your Majesty's ancient and native Kingdom of *Scotland*, so that they are bound to maintain the Peace and Liberties of one another, being highly concerned therein, as the assured means of the safety and preservation of their own; and finding our selves warranted and obliged by all means to labour to keep a right understanding between your Majesty and your People, to confirm that brotherly affection betwixt the two Nations, to advance their Unity by all such ways as may tend to the glory of God, and peace of the Church and State of both Kingdoms, and to proffer our Service for removing all Jealousies and Mistakes, which may arise betwixt your Majesty and this Kingdom, and our best Endeavours for the better Establishment of the Affairs and Quiet of the same, that both your Majesty's Kingdoms of *Scotland* and *England* may be united in the enjoying of their Liberties, in Peace under your Majesty's Sceptre, which is the most assured Foundation of your Majesty's Honour and Greatness, and of the Security of your Royal Person, Crown and Dignity. We have taken the boldness to assure your Majesty, that we are heartily sorry and grieved to behold these Distractions which increase daily betwixt your Majesty and your People, and which we conceive are entertained by the wicked Plots and Practices of Papists, Prelates, and their Adherents, whose Aim in all these Troubles has not been only to prevent all further Reformation, but also to subvert the Purity and Truth of Religion within all your Majesty's Kingdoms; for which end, their constant endeavours have been to stir up Divisions betwixt your Majesty's People, by their questioning the Authority of Parliaments, the lawful Liberties of the Subjects, and real weakning of your Majesty's Power and Authority, nay, all upon the pretence of extending the same, whereof by God's Providence being disappointed in your Majesty's Kingdom of *Scotland*, these have now converted their mischievous Counsels, Conspiracies and Attempts, to produce these Distempers in your Majesty's Kingdoms of *England* and *Ireland*. And therefore according to our Duty to your Majesty, to testifie our Brotherly Affection to this Kingdom, and acquit our selves of the Trust imposed in us, we do make Offer of our humble Endeavours for composing of these differences; and to that purpose do beseech your Majesty in these Extremities, to have recourse to the sound and faithful Advice of the honourable Houses of Parliament, and to repose thereupon, as the only assured and happy means to establish the Prosperity and Quiet of this Kingdom; and in the depth of your Royal Wisdom, to consider and prevent these apprehensions of Fear, which may possess the Hearts of your Majesty's Subjects in your other Kingdoms, if they shall conceive the Authority of Parliament, and the Rights and Liberties of the Subject to be here called in question; and we are confident, that if your Majesty shall be graciously pleased to take in good part, and give ear to these our humble and faithful desires, that the Success of your Majesty's Affairs, howsoever perplexed, shall be happy to your Majesty, and joyful to all your People; over whom, that your Majesty may long and prosperously Reign, is the fervent and constant Prayer of us your Majesty's faithful Subjects and Servants.

*A Paper sent from the Scotch Commissioner, to both Houses, offering their Mediation.*

**O**UR Treaty concerning the *Irish* Affairs, being so oft interrupted by the emergent Distractions, gives us occasion to desire your Lordships and those noble

A Paper of the Scotch Commissioners to the Parliament, offering their Mediation to the King, Jan. the 15th.



noble Gentlemen of the House of Commons, for to present to the honourable Houses of Parliament, that we having taken to our consideration, the manifold Obligations of the Kingdom of *Scotland*, to our Native and Gracious Sovereign, his Person and Government, confirmed and multiplied by the great and recent Favours bestowed by his Majesty on that Kingdom, at his last being there, and settling the Troubles thereof; and considering the mutual Interest of the Kingdoms in the Welfare and Prosperity of each other, acknowledged and established in the late *Treaty*, and finding our selves warranted and obliged by all means, to labour to keep a right Understanding betwixt the King's Majesty and his People, to confirm that Brotherly Affection begun between the two Nations, to advance their Unity, by all such ways as may tend to the Glory of God, and Peace of the Church and State of both Kingdoms; to render Thanks to the Parliament of *England*, for their assistance given to the Kingdom of *Scotland*, in settling the late Troubles thereof, wherein next to the Providence of God, and the King's Majesty's Justice and Goodness, they do acknowledge themselves most beholding to the Mediation and Brotherly Kindness of the Kingdom of *England*, and profer our selves to interpose for removing all Jealousies and Mistakes which may arise betwixt the King's Majesty and this Kingdom, and our best Endeavours for the better Establishment of the Affairs and Quiet of the same.

We do therefore in the Name of the Parliament and Kingdom of *Scotland*, acknowledge our selves, next to the Providence of God and his Majesty's Justice and Goodness, most beholding to the Mediation and Brotherly Kindness of the Kingdom of *England* in many respects, especially in condescending to the King's Majesty's coming to *Scotland* in the midst of their great Affairs, whereof we have tasted the sweet and comfortable Fruits, and do heartily wish the like Happiness to this Kingdom. And as we are heartily sorry to find our hopes thereof deferred by the present Distractions growing daily here to a greater height, and out of Sense thereof, have taken the Boldness to send our humble and faithful Advice to the King's most Excellent Majesty, for remedying of the same to the just Satisfaction of his People; so out of our Duty to his Majesty, and to testify our Brotherly Affection to this Kingdom, and acquit our selves of the Trust imposed upon us, we do most earnestly beseech the most honourable Houses, in the Depth of their Wisdoms, to think timeously upon the fairest and fittest ways of composing all present Differences, to the Glory of God, the Good of the Church and State of both Kingdoms, and to His Majesty's Honour and Contentment; wherein, if our faithful Endeavours may be any way useful, we shall be most ready at all Occasions to contribute the same.

JACOB PRIMROSE.

Charles Rex,

**W**E have thought fit to require you to repair to the Commissioners from our Parliament of *Scotland*, and let them know, That we expected before they should have interested themselves in any manner of way betwixt Us and our Parliament of *England*, they would (according to our Desire, expressed to them by Our Letter of the 13th Instant) have acquainted Us with their Resolution in Private; and that for the Time coming, We are very confident (out of the Respect due to Us from them, and their earnest Desires to shun Mistakes and Disputes) they will no way engage themselves in these present Differences, without first they communicate their Intentions with Us in Private, whereby all Jealousies and Suspicions may be removed, and they better enabled to do Us Service.

Given at our Honour of *Windsor*, the  
19th of *January*, 1641.

Directed to our Right Trusty, and Right Well-beloved Cousin and Councillor, the Earl of *Lanerick*, Our Secretary for *Scotland*.

**R**ight Trusty, and Right Well-beloved Cousin and Counsellor! We greet you well. As it hath been always our Care and Study to have a right

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Under-

17 *Caroli.*

An Order of the King's, touching the aforesaid Paper of the Scots to His Majesty, offering their Mediation, *January* the 19th.

A Letter of the King's, to the Chancellor of *Scotland*, complaining of the Commissioners for the said Paper, *Jan.* 26.



An. 1641.

*Understanding betwixt Us and our Subjects of Scotland, so nothing can joy us more than to hear the Effects thereof to be such, as that they in Peace and Quietness, enjoy the Benefit of our Courts of Justice; and that under our Government they reap the Fruits of those sound and wholesome Laws establish'd in that Kingdom by Us and our Predecessors for their Good and Happiness. We cannot but take kindly from you, your representing unto Us the Miseries and Afflictions to which our good Subjects of Ireland are reduced, through the inhumane and unheard-of Cruelties of the Rebels there; We on our Part have left nothing undone, which We thought could express how sensible We are of their Sufferings; but the present Distractions of this Kingdom, do both delay the sending of those necessary Assurances and Supplies which they ought to expect from hence, and prolong the Treaty with our Commissioners of Scotland; so that if some extraordinary Course be not taken for their present Supply, it is not like their Miseries will end sooner than their Days. The Consideration whereof induceth Us to require you to move our Counsel, that these Forces that are already on foot in Scotland, may be presently sent over thither, and We will oblige our selves to see them readily and punctually paid by this Parliament; which if they shall refuse to do, We will engage Our own Revenues, rather than delay so good and necessary a Work; to which purpose, we shall issue forth such Commissions, and give such Warrants under our own Great Seal of England, as our Counsel of Scotland shall think necessary for their Service, and grant all such their Desires for the Advancement of that Work, as in reason can be demanded from Us; and therefore do require you, with all possible Diligence, to return Us their Resolutions herein, which We are confident, will be such as will testify their Respect to Us, and Affection to their distressed Brethren in Ireland.*

*And now We are confident, We shall not need to remember you of those dutiful Expressions of Respect and Fidelity you made to Us at our late being in Scotland; for the same which produced those Expressions, will induce you to make them good by your Actions. We remember well, you expressed your Readiness both Life and Fortune for the Maintenance of our Temporal Power, and even in matters Ecclesiastical, though you wished Uniformity therein betwixt the two Nations, yet you would not interest your selves in these differences further than should be with our Knowledge and Good liking; We wish our Commissioners of Scotland had taken that Course, and not meddled, nor offered to mediate betwixt Us and this Parliament, before they had first made their Intentions known to Us in private, according to our express Desire, nor made their private Advice publickly known unto both Houses, which is now in Print; We did conceive the Intention of the Commission granted to them by Us in Parliament, was for finishing the Remainder of the Treaty, for settling of Trade and Commerce, and keeping a right Understanding between the two Nations, not betwixt Us and our Parliament here; it is true, they were to receive their particular Instructions from the Council, which we believe to have been limited to these Generals, which certainly never could have reached this Particular, but in so far as we shall first know and approve of it, which truly we conceive to be the only Means to shun those Suspicions and Jealousies that might breed any Interruption of that happy Understanding that is now established betwixt Us and our native Kingdom: Herein we expect your best Endeavours, as a real Testimony of your Affection to our Service; We do likewise think fit, that a Double of all such Instructions as have already been given, or shall hereafter be given to the Commissioners, be sent unto Us, which will exceedingly conduce to the shunning of unnecessary Mistakings: And in case there come any Dispute betwixt Us and our Parliament here, about the Nomination of Officers and Counsellors; We hope you will remember upon what Grounds We were induced to yield in this Particular to the Desires of our Subjects in Scotland, it being our necessary*  
*Absence*



*Absence from that our native Country, and you in private did often promise, upon occasion, to declare that this Kingdom ought not to urge it as a Precedent for the like to them, the Reasons not being the same; therefore now you are to think upon the most convenient way to make good that Promise, and labour to prevent so great an Inconvenience unto Us, which We expect from you as one of the most acceptable Services can be done unto Us.*

Postscript with His Majesty's own Hand.

**I** Have commanded this my Servant Mungo Murray, to tell you some things which I think not fit to write; therefore desiring you to trust what he will say to you from me, I will now only add, that your Affections rightly expressed to me (at this time) will do me an unspeakable Service; to the effecting of which, I expect much from your particular Affection and Dexterity.

Windfor, the 26th  
January, 1641.

Charles Rex.

Sir Philip Stapleton was this Day ordered to return Thanks to the Scots Commissioners for their Paper, wherein they give Advice to the King to comply with his Parliament; and to assure them, That the Parliament is much satisfied with that large Testimony of Fidelity in them to the King, and Affection to this State; and do hereby declare, That what they have done is very acceptable to this House, and that they will continue their Care and Endeavours to remove the present Distractions, as also to confirm and preserve the Union between the two Nation.

The Parliament returns the Scots Commissioners Thanks for their Offer of Mediation, Jan. the 16th.

### The Scots Commissioners Proposition the 24th of Jan. 1641.

*Touching the sending of the two Thousand five hundred Men into Ireland.*

**C**ONCERNING the Proposition made to us the 22d of January, from the Committees of both Houses, for the Transporting presently into Ireland of the two thousand five hundred Men now on foot in Scotland. We having no Instruction for that end, cannot by our selves condescend otherwise, than upon the Closure of the Treaty; but shall most heartily represent it to the Council of Scotland, and second the same with our earnest Desires, that every thing may be done, which may contribute to the Preservation of that Kingdom, and may testify our Brotherly Affection to this; and that we may be the more able to move the Council to condescend to the same, we desire the Propositions following to be granted,

Jan. the 24th, Scots Propositions touching sending Forces into Ireland.

1. That Provision of Victuals be presently sent to Carrickfergus, to be sold to our Soldiers at reasonable Rates answerable to their Pay.

2. That an Order be set down how they shall be paid there, and from whom they may require the same.

3. That they have the Command and Keeping of the Town and Castle of Carrickfergus, with Power to them to remain still within the same, or to enlarge their Quarters, and to go abroad in the Country, upon such Occasions as their Officers in their Discretion shall think expedient for the Good of that Kingdom. And if it shall be thought fit that any Regiments or Troops in that Province shall joyn with them, that they receive Orders from the Commanders of our Forces.

4. That Provision of Match, Powder and Ball, be presently sent to Carrickfergus; and what Arms, Ammunition, or Artillery, shall be sent over with them from Scotland, that the like Quantity be sent from hence to Scotland, whensoever the same shall be demanded.

5. That a Part of the 30000 l. of Brotherly Assistance be presently advanced to us, which although in a just Proportion to these Men, it will amount but to 7500 l. yet for the better furthering the Service, we desire 10000 l. if it may stand with your Convenience.

6. That



Ann. 1641.

6. That their Pay, which was condescended unto from the 8th of *December*, be presently advanced to the 8th of *February* next, against which time we are confident they shall be ready to march.

7. That a Man of War, or some Merchant Ships, be sent from *Bristol*, *West-Chester* or *Dublin*, to *Lochyran*, for a safe Convoy and Guard of the Passage, because they being in open Boats, may be subject to Inconveniencies from the Enemy, whose Frigates we hear are towards the Coast.

8. That the sending over of these Men be without Prejudice to the Proceedings of the Treaty, which we desire may go on without any Delay.

*Westminster*, the 24th  
January, 1641.

*Jacob Prymrose.*

*Resolved*, That the House of Commons doth agree unto these particular Propositions now presented from the *Scots Commissioners*.

*Ordered*, That the House of Peers agreeth with the House of Commons unto these Propositions.

*His Majesty's Answer to the Propositions above-mentioned, given the 26th of January, 1641, at Windsor.*

King's Answer to those Propositions.

**H**IS Majesty having perused and considered these eight Propositions presented by the *Scots Commissioners*, doth willingly consent to them all, except only the Third, which His Majesty doth not approve, and wisheth the Houses to take that Article again into Consideration, as a Business of very great Importance, which His Majesty doubts may be prejudicial to the Crown of *England*, and the Service intended; and if the House desire it, His Majesty shall not be unwilling to speak with the *Scots Commissioners*, to see what Satisfaction he can give them therein.

The Commons were dissatisfied that His Majesty refused his Consent to the said Third Article, and Voted, That those that advised His Majesty thereunto, were Enemies to the King and Kingdom. But the next Day his Majesty sent a satisfactory Answer thereunto as followeth:

*His Majesty's further Answer to the Third Article of the said Proposition of the Scots Commissioners, resolved on the 26th, and given the 27th of January, 1641, at Windsor.*

**A**fter that his Majesty had (Yesterday) sent his Opinion concerning the Articles which the *Scots Commissioners* gave in, touching the present Supplies to be sent for *Ireland*, they themselves waited on him, their chief Errand being the self same Business; whereupon his Majesty thought fit to perswade them (as much as he could) to alter the Third Article, because he conceived it might be a Prejudice to the Crown of *England*, the Particulars whereof were too long to relate: their only Argument, that weighed with him, being that (since it was agreed upon by both Houses of Parliament, and that the Strength of his Majesty's Argument was, that Article imployed too great a Trust for Auxiliary Forces) they were in good hope, that his Majesty being their native King, would not shew less Trust in them, than their Neighbour Nation. So that the Question being (meerly) of trust, and that both Houses of Parliament have thought fit to grant it (though his Majesty could wish that the Third Article were drawn more for the Advantages of the Crown of *England* than he conceives it is) his Majesty cannot but wholly admit of the Advice of his Parliament in this Particular, especially since his Majesty perceives that insisting upon the same, would breed a great Delay in the necessary Supply of his Kingdom of *Ireland*.

Jan. the 26th  
Vice-Admiral Pennington examined about Transporting Lord Digby.

Sir William Lewis reported from the Committee appointed to examine Sir John Pennington, that he doth acknowledge the Lord Digby came to him the first time, on the 16th of *January* to Deal, and dined with him on Board of one of the King's Ships, and said he was by the King's Command to go beyond Seas, and had his Majesty's Warrant for it, and went aboard of one of the *Whelps* (a small Vessel so called) and under Sail, but having received Letters

aboard



a board the *Whelp*, he came to Sir *John* again, and said he had received Directions to return; so he gave Sir *John Penington* thanks, and went from thence to *Canterbury*, and was there staid by the Mayor, but discharged upon his protestation to go to the Parliament, or the Court; and so went towards *London*, but when he was beyond *Canterbury*, he returned a private way and came back to *Deal*, and so again aboard the King's Ship, saying, he had received Orders to be gone. Sir *John Penington* being then in Bed, he produced his Majesty's Warrant, signed with His Majesty's own Hand, *January* the 13th at *Windsor*, commanding Sir *John* to transport the Lord *Digby* to any place beyond the Seas, either in *France* or *Holland*.

After this Report, Sir *John Penington* was called into the House, and the House told him they had a good Opinion of him, and so was dismissed.

*Die Sabbathi 29, January.*

Whereas great Numbers of Papists, both *English* and *Irish*, some whereof have been, and are Commanders in the Wars; and others such as have Estates in *England*, have gone out of this Kingdom into *Ireland*, immediately before and during the barbarous and bloody Rebellion there, and traiterously joined themselves with the Rebels of that Nation, against his Majesty and the Crown of *England*: And likewise divers other Popish Commanders, and such as have Estates in *England*, are daily preparing to go thither to the same wicked ends; and great store of Arms, Ammunition, Money, Corn, and other Victuals and Provisions have been sent, and are daily preparing to be sent to that Kingdom, for the assistance and encouragement of those Rebels: For prevention whereof the Lords and Commons in this present Parliament assembled, do hereby order and straitly charge and command all Sheriffs, Justices of the Peace, Mayors, Bailiffs, Constables, and all other his Majesty's Officers within the Realm of *England* and Dominion of *Wales*, That they apprehend and examine all such Persons as they shall suspect to be Papists, and going out of this Kingdom or the Dominion of *Wales*, into *Ireland*; and that they make also stay of all Arms, Munition, Money, Corn, and other Victuals and Provisions which they shall suspect to be preparing for transportation into *Ireland*, for the Aid and Relief of the Rebels there: And to give speedy Notice thereof unto the Parliament.

And whereas also divers poor People, Men, Women, and Children of the *Irish* Nation and Papists, have lately come in great numbers out of *Ireland* into *Cornwal*, *Devon*, and other parts of this Kingdom, where they have been and are very disorderly, and much terrifie the Inhabitants where they come, and due care is not taken in all places for the suppressing and punishing of them: The Lords and Commons in this Parliament assembled, do hereby further order and require all Officers before-mentioned, That they put the Laws in due execution against such wandring *Irish* Papists before expressed, and that they cause them to be forthwith conveyed back into that Kingdom.

### CHAP. III.

#### Concerning Passes into Ireland.

About this time began the occasion of a Controversie between the King and House of Commons, about their aspersing him, as granting Licenses to Papists to pass into *Ireland*. The Original Ground of which, and the Messages on each side concerning it, take here altogether as followeth.

At a Conference betwixt both Houses, *January* the 25th. 1641. concerning divers Petitions presented to the House of Commons, Mr. *Pym* appointed to manage that Conference, spake as followeth:

*My Lords,*

I Am commanded by the *Knights*, *Citizens*, and *Burgesses* assembled for the Commons in Parliament, to present to your Lordships divers Petitions, which they have received from several Parts concerning the State of the Kingdom: whereunto they are chiefly moved by that constant Affection, which they have always

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Parliaments Order the 29th of Jan. 1641, to restrain Popish Commanders from going into *Ireland*, and conveying of Ammunition, Arms, Monies, &c. to the Rebels.

Mr. *Pym's* Speech at a Conference, Jan. the 25th.



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always exprest, of maintaining a firm Union and good Correspondence with your Lordships; wherein they have ever found much Advantage, and Contentment; but never held it more important and necessary, than at this time, wherein the Wisdom and Resolution of Parliament, have as many great Dangers and Difficulties to pass through, as ever heretofore.

We are united in the publick Trust, which is derived from the Commonwealth in the common Duty and Obligation whereby God doth bind us to the discharge of that Trust: and the Commons desire to impart to your Lordships, whatsoever Information or Intelligence, whatsoever Incouragement or Assistance they have received from those several Countries which they represent, that so likewise we may be united in the same Intentions and Endeavours of improving all to the Service of his Majesty, and the common Good of the Kingdom.

The Petitions which I am directed to communicate to your Lordships, are Four; from London, Middlesex, Essex and Hertfordshire. We have received many more, but it would take up too much time, and be too great a trouble to peruse all; and, in these Four, you may perceive the Effect and Sense of all: First, I am to desire your Lordships to hear them read, and then I shall pursue my Instructions in propounding some Observations out of them.

To the Honourable the Knights, Citizens and Burgeses, of the House of Commons assembled in Parliament.

The City  
Petition  
January 24.

The Humble Petition and Answer of the Mayor, Aldermen, and the rest of the Common Council of the City of London:

Sheweth,

THat the Committee of this Honourable House, upon Saturday the 22d of this Instant January, sent a Message to the Petitioners for the Loan of One hundred thousand Pounds, or of so much thereof as could conveniently be forthwith raised, for levying of Forces to suppress the Rebels in Ireland: To which Message something was then answered, and a further Answer in Writing promised.

In Performance whereof they humbly present the Answer following, together with the Reasons thereof, desiring that the same (being the best that for the present they are able to give) may favourably be accepted.

And they shall ever pray, &c.

Their Answer touching lending 100000 l.

THE Petitioners are duly and deeply sensible of the great Miseries of their Brethren in Ireland, and of the imminent Danger, not only of the total Loss of that Kingdom, but of the Ruin of this also, if that of Ireland should (which God forbid) be lost. And as they have hitherto shewed themselves ready, even beyond their Abilities to serve the King and Parliament; so shall they ever continue to the utmost of their power, with all Chearfulness and Duty. But at the present they are compelled to repeat their former Answer; That they have no Power to raise any Sums by way of Tax for any Foreign Use; and do further answer, that they have no means to do it, otherwise than by the immediate personal Consent of every particular Lender, which they cannot hope to obtain, in regard of these Obstructions following; which the Petitioners humbly present, together with this their further Answer, as the Reasons thereof.

Obstructions that hinder the Loan.

1. That immediately before the Parliament, and sithence divers great Sums for the Service of the King and Kingdom have been already lent by the Citizens of London, besides 50000 l. for the Supply of Ireland, in particular; a great part whereof some of the Lenders were compelled to borrow, and cannot to this Day repay.

2. That such part of those Monies as are already due to the Citizens from the Parliament, and should have been repaid out of the Poll-Money and Subsidies, is not yet done, because there is not any considerable Sum come in from the Country, as was expected to satisfy the same.

3. That the said 50000 l. lent for Ireland was hastened and speedily paid within near about 2000 l. upon this Ground then urged by the Parliament; that if



if it were forthwith lent, it might be of more Use to preserve that Kingdom than the Loan of 200000*l.* could be, if deferred but six Weeks; yet no considerable Forces are sent thither to this Day. And we find that Men will not be willing to lend any Thing till they be assured that a good Strength be sent thither with full Commission to relieve *London-Derry*, and other Parts of that Kingdom.

17 Car.

4. The General withholding of very great Sums of Money from the Petitioners, and many others, which Monies have been long due, not only from *Chapmen* and other Debtors in *England*; but from very many in *Ireland* (who owe many hundred Thousands of Pounds to the Citizens of *London*) doth render divers Persons of good Estates and Credit, hardly able to go on with Trade, or to pay their Debts, and maintain their Charge.

5. The Brotherly Offers of *Scotland* to send 10000 Men into *Ireland*, not yet so accepted as to produce any Relief to that bleeding Kingdom, while yet our Brethren are daily massacred there, discourageth most Men from lending any Money, were they never so able.

6. The not passing the *Bill for Pressing of Soldiers* here, whereby such Forces as are requisite might be timely sent from hence into *Ireland*, puts many Men into Fears, that there may be some Design rather to lose that Kingdom, and to consume this in the losing of *Ireland*, than to preserve either the one or the other; for that it cannot be conceived, that the Rebels (being grown so powerful) will be suppressed by Volunteers.

7. The slow issuing of Commissions to those who being in *Ireland*, or going thither are willing to enter the Field against the Rebels, disables them from doing any effectual Execution upon the Enemy, unless in their own Defence; and so all the Monies that have been, or may be sent thither, are exhausted to maintain our Forces to do little or nothing worthy of them, rather than imployed to chastise the Rebels, and to reduce them to Obedience, by Means whereof the Number and Power of the Rebels are greatly encreased, divers Castles and Towns are by them taken, much Protestant Blood is daily split, many thousand Families destroyed, the malignant Part of Papists and their Adherents here are encouraged, and those Rebels so much imboldened, that they boast, they will extirpate the *British* Nation there, and then make *England* the Seat of War.

8. The not disarming of Papists here in *England*, after many Discoveries of their Treacheries, and bloody Designs upon the Parliament and Kingdom, the great Decays of Fortifications, Block-houses and other Sea-forts, the not managing of them, nor furnish them with Ordnance and Ammunition, the not placing all of them in such Hands in whom the Parliament may confide, and the not settling this Kingdom in a Posture of Defence, in times of so many Fears and Jealousies of foreign Invasions and intestine Conspiracies, the not removing the present Lieutenant of the *Tower*, and putting such a Person into that Place, as may be well approved of by the Parliament, notwithstanding the earnest Petitions exhibited to this Honourable House for that Purpose, which hath produced a Forbearance to bring *Bullion* into the *Tower* in this time of Scarcity of Monies; all which cannot but overthrow Trading more and more, and make Monies yet more scarce in the City and Kingdom.

9. The King's Ships which ought to be a Wall of Defence to this Kingdom, and a Convoy to the Merchants (for which Tonnage and Poundage was granted) are not fitted and imployed, as the present Condition of this Kingdom and *Ireland* requires, but some of them for the conveying away of Delinquents, who durst not abide the Test of the Parliament, to the great Encouragement of the rest of the malignant Party here, who when their Designs and themselves be detected, know how to escape the Hand of Justice through the Abuse of a Royal Conduct.

10. The not questioning those many thousands of unknown Persons, who are sheltered in *Covent-Garden*, and thereabouts, which do not imploy themselves in any lawful Calling, and it's very probable, lie in a readiness to adventure upon some desperate Attempt, to the endangering of the Welfare, Peace and Safety of the King's Majesty, Parliament and City.

11. The Misunderstanding between the King and the Parliament, the not vindicating the Privileges of Parliament, the not suppressing of Protections, the not punishing of Delinquents, and the not executing of all Priests and Jesuits, legally condemned, while others contrary to Privilege of Parliament have been



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been illegally (as the Petitioners conceive) charged with Treason, to the deterring of worthy Members from discharging their Duties, and to the destroying of the very Being of Parliaments, do exceedingly fill the Minds of Men well affected to the Publick, with many Fears and Discouragements throughout the Kingdom, and so disables them from that cheerful Assistance which they would be glad to afford.

12. By means of the Premises there is such decay of Trading, and such scarcity of Money (neither of which can be cured, till the former Evils be removed) as it is likely in very short time, to cast innumerable Multitudes of poor Artificers into such a depth of Poverty and Extremity, as may enforce them upon some dangerous and desperate Attempts, not fit to be expressed, much less to be justified: Which they leave to the Wisdom of this House speedily to consider and prevent.

**T**Hese are the Evils under which the Petitioners do exceedingly labour and languish, which they humbly conceive to have sprung from the employing of ill affected Persons in places of Trust and Honour in the State, and near to the sacred Person of his Majesty; and that these Evils are still continued by means of the Votes of Bishops and Popish Lords in the House of Peers.

*And now, that the Petitioners have faithfully represented the true Reasons which do really enforce them to return this Answer, most of which have been formerly offered to this Honourable House in sundry Petitions; and that they have done all that in them lies (even beyond all President) to serve the King, Parliament and Kingdom; They humbly crave leave to protest before God and the High Court of Parliament, that if any further Miseries befall their dear Brethren in Ireland, or if any Mischief shall break in upon this Kingdom, to the endangering or disturbing thereof, it ought not to be imputed to the Petitioners, but only to such as shall endeavour to hinder the effectual and speedy cure of the Evils before recited, that so much disable and discourage the Petitioners from doing that which by this Honourable House is desired of them.*

To the Honourable the Knights, Citizens and Burgeses of the House of Commons in the High Court of Parliament.

*The Humble Petition of the Knights, Gentlemen, Ministers, and other Inhabitants of the County of Essex.*

*Sheweth,*

The Essex  
Petition.

**T**O this Honourable House, that we are truly sensible of your great Care, and extraordinary Endeavours to settle our Religion and Peace, and daily bless God Almighty, and the King's Majesty, the Peers, and this Honourable Assembly for the same. And we do further in all Humility represent to your Honourable Consideration, that notwithstanding your abundant Care and Industry, we do still apprehend a great stop of Reformation in Matters of Religion, and our selves together with you, and the whole Kingdom to be in great danger from the Papists, and other ill affected Persons, who are every where very Insolent, and ready to act the Parts of those savage Blood-suckers in Ireland, if they be not speedily prevented; by means whereof our Tradings, especially of Clothing and Farming, grow apace to so great a Damp, as many thousands are like to come to sudden Want: Nor can we expect any Redress thereof, unless the Bishops and Popish Lords be removed out of the House of Peers.

Therefore we humbly Pray, that you would earnestly mediate with his Majesty and the House of Peers, that our Brethren in Ireland may be speedily Relieved, the Papists throughout this Kingdom may be Disarmed, and the Kingdom be put into such a warlike Posture, for Defence, as may be for its Safety; And that the Bishops and Popish Lords who (as we conceive) have hindered the Success of your godly Endeavours, may be excluded the House of Peers; not doubting, but that then our Petitions formerly presented to this House, will receive the more full and speedy Answer.

*And your Petitioners (resolving in all just and honourable Ways, according to our late Protestation, to assist you in your Rights and Priviledges with our Estates and Lives against the Enemies of God, the King and State,) humbly pray, &c.*



To the Honourable, the Knights, Citizens and Burgeses of the House of Commons Assembled in Parliament.

*The Humble Petition of the Knights, Gentlemen, Freeholders, and other Inhabitants of the County of Hertford,*

17 Car.  
Hertford Pe-  
tition.

Sheweth,

**T**hat this Church and Kingdom being by the Prelates, those multitudes of corrupt and scandalous Ministers (their Creatures;) and the Popish Party concurring with them on the one hand; and by wicked Counsellors, evil Ministers of State, and great Swarms of Projectors, and others ill-affected to the Peace of this Realm, on the other hand, brought to a sad, and almost desperate Condition, and thereby the Splendor of his Majesty's Crown and Dignity dangerously weakened and eclipsed, it pleased his Majesty, having respect to the Petitions of Nobles and People in that behalf, to call this present Parliament, the only able Means (under God) to reform the many Pressures and Grievances of the Church and Kingdom, and to remove the Causes thereof.

In which Parliament, to the Honour of his Majesty, and Comfort of his good Subjects, exemplary Justice hath been executed, Arbitrary Courts, Ship-Money, Monopolies, and other illegal Impositions removed, the shedding of much Blood prevented, by the late Union between the two Kingdoms of England and Scotland, and further hopes given us of perfecting what remains by the happy Continuance and much desired Progress of this Parliament.

And although that malignant Party of Prelates and Papists, and their Adherents (whose present Standings, and the happy Success of this Parliament, as the Petitioners humbly conceive, are inconsistent) have by their manifold wicked Practices and Designs endeavoured to hinder all thorow Reformation in Church and Commonwealth, to stifle in the Birth and Progress all those good Bills, and other Preparations made by this Honourable Assembly for that Purpose, and specially for the Relief of the Kingdom of Ireland, (the Ruine whereof will endanger this Kingdom also.) To stop the Influence of his Majesty's Royal Favour in giving Life thereto, to divide between his Majesty and this Honourable Assembly, and to render you not only contemptible, but also burthensome to the People; yet the Petitioners, and as they verily believe, all well-affected to his Majesty, and the Peace and Prosperity of this Kingdom, have, and still shall continue an high and honourable Esteem of this worthy Assembly, and of your great and unwearied Endeavours, and do with the utmost Expressions of their Thankfulness acknowledge the same, and the progress and perfecting thereof to be of great Consequence, and deep Necessity to the Peace and Welfare of this Church and Kingdom, and such as without which not only a Reflux of the former Calamities, but even utter Ruine and Desolation, like that, being too long continued in sad and much lamented Ireland, will apparently ensue.

From the Sense whereof, and of the great and unheard of Breaches lately made upon the Priviledges of Parliament, even to the endangering of the Being thereof, wherein your Petitioners and their Posterity are much concerned. The Petitioners take upon them the humble Boldness to declare their Readiness and great Engagements according to their Protestation, to stand to and defend, to the utmost Peril of their Lives and Estates, the King's Majesty and High Court of Parliament, with all the Power and Priviledges of the same, and all your Honourable Proceedings for the common Good, against all Popish, and other malignant Opposers, who endeavour, either by evil Counsel, secret Plots, or open Force to hurt or prejudice the same, or to make Divisions between his Majesty and the Parliament.

And the said Petitioners humbly pray, that the Papists may be fully disarmed, the Laws against them executed, the Kingdom, and especially this County, according to their late Petition in that behalf, put into a Posture of War for their better Defence; the Forts and Strength of this Kingdom put into safe Hands, which the Parliament may confide and trust in; the Priviledges of Parliament repaired and thoroughly vindicated, and that this Honourable Assembly (as hath been lately desired of you by the Citizens of London) will be a Means unto his Majesty and House of Peers, that Life may be speedily given to your good Endeavours by their Concurrence with you in taking away of the Votes of Popish Lords and Bishops out of the House of Peers, the speedy and strong Relief of Ireland, the further Punishment of Delinquents, the removal of the Pressures and Grievances in Church and Commonwealth, and Reforming of what is therein amiss.

For all which your Petitioners shall daily pray, &c.



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The rest of  
Mr. Pym's  
Speech.

The Petitions being read by four several Members of the House, Mr. Pym reassumed his Discourse.

My Lords,

IN these four Petitions you may hear the Voice, or rather the Cry of all *England*, and you cannot wonder if the Urgency, the Extremity of the Condition wherein we are, do produce some Earnestness and Vehemency of Expression more than ordinary, the Agony, Terror, and Perplexity in which the Kingdom labours, is *universal*, all Parts are affected with it; and therefore in these, you may observe the *Groans* and miserable Complaints of all.

Divers Reasons may be given why those Diseases which are *Epidemical* are more dangerous than others: The Cause of such Diseases is *universal* and supernatural, not from an evil Constitution, or evil Diet, or any other Accident; and such Causes work with more Vigour and Efficacy than those which are particular and inferior. 2. In such Diseases there is a *communicative* Quality, whereby the Malignity of them is multiplied and enforced. 3. They have a *converting*, transforming Power, that turns other Diseases and evil Affections of Mens Bodies into their own Nature.

The common and epidemical Disease wherein this Commonwealth lies now gasping, hath a superior and universal Cause from the *evil Counsels* and Designs of those, who under his Majesty bear the greatest Sway in Government. 2. It hath a *contagious* and infectious Quality, whereby it is diffused and dispersed through all Parts of the Kingdom. 3. It is apt to take in the Discontents, evil Affections, and Designs of particular Persons to encrease and fortifie it self.

I shall take occasion from several Branches of those Petitions which your Lordships have heard, to observe:

1. The Variety of *Dangers* to which this Kingdom is now subject.
2. The manifold Distempers which are the Cause of those Dangers.
3. The Multiplicity of those evil Influences, which are the Causes of those Distempers.

1. The Variety of  
Dangers.

The first Danger is from Enemies abroad; this may seem a causeless and impertinent Observation at this time, seeing we are in Peace with all Nations about us: But (my Lords) you may be pleased to consider, that the Safety of the Kingdom ought not to depend upon the *Will* and Disposition of our Neighbours, but upon our own *Strength* and Provision: Betwixt States there are often sudden Changes from Peace to War, according to Occasion and Advantage. All the States of *Christendom* are now *arm'd*, and we have no Reason to believe but that those of greatest Power have an evil Eye upon us in respect of our Religion: And if their private Differences should be compos'd, how dangerously, how speedily might those great Armies and other Preparations now ready, be applied to some Enterprize and Attempt against us? And if there were no other Cause, this were sufficient to make us stand upon our Guard; but there are divers more especial Symptoms of Dangers of this kind.

We may perceive by several Advertisements from abroad, that they did foresee our Dangers many Months before they broke out; they could *foretell* the Time and Manner of them, which is a clear Evidence they held Intelligence with *those* which were the Contrivers and Workers of the present Troubles.

We have many dangerous Traitors and *Fugitives* now in other Parts, who can discover the Weakness and Distemper of the Kingdom; who hold Intelligence with the ill-affected Party here, and by all cunning and subtile Practises endeavour to incite and provoke other Princes against us.

Some of the Ministers of our neighbour Princes may be justly suspected to have had a more immediate Hand and Operation in the Insurrection and Rebellion of *Ireland*, many of the Commanders, and most of the Soldiers levied for the Service of *Spain* are now joined with the Rebels there; and those *Irish* Friars which were employed by the *Spanish* Ambassador for the making of those Levies, are known to have been the chief Incendiaries of this Rebellion, and are still very active in the Prosecution and Encouragement of it.

The Rebels have a ready and Speedy supply from some of our Neighbours. Two Convoys of Munition and Arms we are certainly informed of; one from *Dunkirk*, the other from *Nants* in *Britany*; and certainly those that are so forward to enable others to hurt us, will not forbear to hurt us themselves, as soon as they shall have Means and Opportunity to do it.

Another Danger is from the *Papists* and ill-affected Party at Home. The *Papists* here



here, are acted by the same Principles with those in *Ireland*; many of the most active of them have lately been there; which argues an Intercourse and Communication of Counsel. They have still store of Arms and Munition at their disposing, notwithstanding all our Endeavours to disarm them, they have a free Resort to the City and to the Court, they want no Opportunities to consult together; they have the same or greater Encouragement from *above*, and from *about*, than ever, in respect of the Example and Success of the Rebels in *Ireland*, and the great Confusions and Divisions which by their cunning and subtle Practices are raised and fomented amongst our selves at Home.

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3. A third Danger is of *Tumults* and Insurrections of the meaner sort of People, by reason of their ill Vent of Cloth and other Manufactures, whereby great Multitudes are set on Work, who live for the most part by their daily Gettings, and will in a very short Time be brought to great Extremity, if not employed; nothing is more sharp and pressing than *Necessity* and *Want*; what they cannot *buy* they will *take*, and from them, the like *Necessity* will quickly be derived to the Farmers and Husbandmen: and so grow higher, and involve all in an Equality of Misery and Distress, if it be not prevented. And at this time such *Tumults* will be dangerous, because the Kingdom is full of disbanded Soldiers and Officers, which will be ready to head and to animate the Multitude to commit Violence with more Strength and Advantage; And if they once grow into a Body, it will be much more difficult to reduce them into Order again, because *Necessity* and *Want*, which are the Cause of this Disturbance, will still encrease as the Effects do encrease.

A fourth Danger is from the Rebels in *Ireland*, not only in the respect of that Kingdom, but in respect of *This*. They have seized upon the Body of that Kingdom already, they abound in Men of very able Bodies, they encrease in Arms and Munition, they have great Hopes of Supplies from abroad, of *Encouragement here*, and are sure of good Entertainment from the Popish Party, so that they begin to speak already there of transporting themselves hither, and making this Kingdom the Seat of the War.

The Distemper which hath produced these Dangers, is various, and exceeding violent. Whensoever Nature is hindred in her proper Operations and Faculties, Distempers will necessarily follow.

2. The Distemper procuring the former Dangers.

The *Obstructions* which have brought us into this Distemper, are very many, so that we cannot wonder at the Strength and *Malignity* of it. Some of the chiefest of these *Obstructions* I shall endeavour to remember.

1. The *Obstruction* of *Reformation in Matters of Religion*: No Grievances are sharper than those that press upon the tender Consciences of Men; and there was never Church or State afflicted with more Grievances of this kind than we have been. And though they are by the Wisdom of this Parliament partly eased and diminished, yet many still remain: and as long as the Bishops and the corrupt part of the Clergy continue in their Power, there will be little Hope of Freedom, either from the Sense of those which continue, or the Fear of those which are removed. And of this *Obstruction*, (my Lords) I must clear the *Commons*, we are in no part guilty of it: Some good Bills have past us, and others are in Preparation, which might have been past before this, if we had not found such ill Success in the other. Whatsoever Mischiefe this *Obstruction* shall produce, we are free from it: we may have our part of the Misery, we can have no part in the *Guilt* or *Dishonour*.

2. An *Obstruction in Trade*, it is the Trade that brings Food and Nourishment to the Kingdom: It is that which preserves and encreaseth the Stock of the Whole, and distributes a convenient Portion of Maintenance to every part of it; therefore such an *Obstruction* as this must needs be dangerous; the Freedom of Trade being so necessary, the Benefit so important, as that it gives Life, Strength and Beauty to the whole Body of the Commonwealth; but I must protest the House of Commons hath given no Cause to this *Obstruction*; we have eas'd Trade of many Burdens and heavy Taxes which are taken off; we have freed it from many hard Restraints by Patents and Monopolies; we have been willing to part with our own Privileges, to give Encouragement; we have sought to put the Merchants into Security and Confidence in respect of the *Tower of London*, that so they might be invited to bring in their *Bullion* to the Mint, as heretofore they have done; and we are no way guilty of the Troubles, the Fears, and publick Dangers which make Men withdraw their Stocks, and to keep their Money by them,



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them, to be ready for such sudden Exigents, as in these great Distractions we have too much Cause to expect.

3. The *Obstruction in the Relief of Ireland*. It must needs be accounted a great Shame and Dishonour to this Kingdom, that our Neighbours have shewed themselves more forward to supply the *Rebels*, than we have been to relieve our distressed Brethren and Fellow-Subjects. But I must declare that we are altogether innocent of any neglect herein. As soon as the first News of the Rebellion came over, we undertook the War, not by way of Supply and Aid, as in former Rebellions the Subjects have used to do, but we undertook the *whole Charge* of it, and we suffered not twenty four Hours to pass, before we agreed to a great Levy of Money and Men, to be employed against the Rebels, even in a larger Proportion than the Lords Justices and Council there did desire; and from time to time we have done all for the Furtherance thereof, though in the midst of many Distractions and Diversions; but the *want of Commissions* for levying Men, for issuing Arms, and divers other Impediments, have been the Causes of that Obstruction; and I wish we had not only found Impediments to our selves, but also Incouragements to them. *Many of the chief Commanders, now in the Head of the Rebels, after we had with your Lordship's Concurrence stopt the Ports against all Irish Papists, have been suffered to pass by his Majesty's immediate Warrant, much to the Discouragement of the Lords Justices and the Council there; and, this procured, as we believe, by some evil Instrument too near his Regal Person, without his Majesty's Knowledge and Intention.*

4. The *Obstruction in Prosecution of Delinquents*: Many we have already brought unto your Lordships; divers others we have been discouraged to transmit; such difficult Proceedings have we met withal; such Terrors and Discountenance have been cast upon our selves and our Witnesses; and those who have shewed themselves their Friends and Patrons, have found it the most ready way to Preferment; yea, *his Majesty's own Hand* hath been obtained, his Majesty's Ships employed for the transporting of divers of those who have fled from the Justice of the Parliament.

5. A general Obstruction and Interruption of the *Proceedings of Parliament*, by those manifold Designs of Violence (which through God's Mercy we have escaped;) by the great and frequent Breaches of Priviledge; by the subtil Endeavours to raise Parties in our House, and Jealousies betwixt the two Houses.

6. The Obstruction in providing for the *Defence of the Kingdom*, that we might be enabled to resist a Foreign Enemy, to suppress all Civil Insurrections; and what a pressing Necessity there is of this, the exceeding great Decays in the Navy, in the Forts, in the Power of ordering the *Militia* of the Kingdom, and Means of furnishing them with Munition, are sufficient Evidences, known to none better than to your Lordships; and what Endeavour we have used to remove them (but hitherto without the Success and Concurrence which we expect :) and where *the Stop* hath been, and upon what good Grounds, we may claim our own Innocency and Faithfulness in this, we desire no other Witnesses but your selves.

Lastly, I come to the evil Influences which have caused this Distemper, and I shall content my self to mention some few of those which are most Apparent and Important.

1. In the first Place, I shall remember the evil Counsels about the King, whereof we have often complained. *Diseases of the Brain are most dangerous*, because from thence *Sense* and *Motion* are derived to the whole Body. The Malignity of *evil Counsels* will quickly be infused into all Parts of the State. None can doubt but we have exceedingly laboured under most dangerous and mischievous Counsels. This evil Influence hath been the Cause of the Preparation of War with *Scotland*, of the procuring a Rebellion in *Ireland*, of corrupting Religion, suppressing the Liberty of this Kingdom, and of many fearful and horrid Attempts, to the subverting the very being of Parliaments, which was the only hopeful Means of opposing and preventing all the rest: And this doth appear to be a most predominant Evil of the Time; whereat we need not wonder, when we consider *how* Counsellors have been preferred and prepared. And I appeal to your Lordships own Consciences, whether the giving, and the countenancing of evil Counsel, hath not been almost the only way to farther Advancement.

2. The Discouragement of *good Counsel*: Divers honest and approved Counsellors

3. The Influences that have caused so great Distempers.



fellors have been put from their Places; others so discountenanced, as that the way of Favour hath been shut against them, and that of Danger and Destruction only open to them.

3. The great Power that an interested and factious Party hath in the Parliament, by the Continuance of the Votes of the Bishops and Popish Lords in your Lordships House; and the taking in of others both out of the House of Commons, and otherwise, to increase their Strength.

4. The fomenting and cherishing of a malignant Party throughout the whole Kingdom.

5. The manifold *Jealousies* betwixt the King, his Parliament, and good Subjects, whereby his Protection and Favour hath in a great Measure been withheld from them; their Inclination and Resolution to serve and assist him, hath been very much hindered and interrupted: We have often suffer'd under the Misinterpretation of good Actions, and false Imputation of Evil, which we never intended. So that we may justly purge our selves from all Guilt of being Authors of this Jealousie and Misunderstanding: We have been, and are still ready to serve his Majesty with our Lives and Fortunes, with as much Cheerfulness and Earnestness of Affection, as ever any Subjects were; and we doubt not but our Proceedings will so manifest this, that we shall be as clear in the Apprehension of the World, as we are in the Testimony of our own Consciences.

I am now come to a Conclusion, and I have nothing to propound to your Lordships by way of Request or Desire from the House of Commons; I doubt not but your Judgments will tell you what is to be done; your Consciences, your Honours, your Interests will call upon you for the doing of it; the Commons will be glad to have your Help and Concurrence in saving of the Kingdom, but if they should fail of it, it should not discourage them in doing their Duty. And whether the Kingdom be *lost* or *saved* (as through God's Blessing I hope it will be) they shall be sorry that the Story of this present Parliament should tell Posterity, that in so great a Danger and Extremity, the *House of Commons* should be enforced to save the Kingdom *alone*, and that the House of Peers should have no Part in the *Honour* of the Preservation of it, you having so great an Interest in the good Success of those Endeavours in respect of your great Estates and high Degrees of Nobility.

My Lords, consider what the present Necessities and Dangers of the Commonwealth require, what the *Commons* have reason to expect, to what Endeavours and Counsels the concurrent Desires of all the People do invite you: so that applying your selves to the Preservation of the King and Kingdom, I may be bold to assure you in the Name of all the *Commons of England*, that you shall be bravely seconded.

Die Martis 25. January. 1641.

**I**t is this Day ordered by the Commons House of Parliament, that Mr. Speaker, in the Name of the House, shall give Thanks unto Mr. Pym for his so well performing the Service he was employed in by the Commons of this House, at this Conference. And it is further ordered, that Mr. Pym be desired to put the Speech he made at this Conference into Writing, and to deliver it into the House, to the end it may be Printed.

H. Elsyng, Cler. Parl. D. Com.

*His Majesty's Message sent to the House of Commons, concerning Licenses granted by his Majesty to several Persons to pass into Ireland.*

**H**IS Majesty taking notice of a Speech, pretending in the Title to have been delivered by Mr. Pym in a Conference, and Printed by Order of the House of Commons. In which it is affirmed, That since the Stop upon the Ports against all Irish Papists, by both Houses, many of the Chief Commanders, now in the Head of the Rebels, have been suffered to pass, by his Majesty's immediate Warrant, and being very certain of having used extream Caution, in the granting of Passports into Ireland, so that he conceives either this Paper not to have been so delivered and printed as it pretends, or this House to have received some Misinformation. His Majesty would be resolved whether this Speech were so delivered and printed, and if it were, would have this House to review, upon what Information that particular

17 Car.

Febr. 7th, 1641  
King's Message about  
Passes granted to Papists to go into Ireland.



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particular was grounded, That either that may be found upon Re-examination, to have been false, and both this House and his Majesty injur'd by it; or that his Majesty may know by what Means, and by whose Fault his Authority hath been so highly abused, as to be made to conduce to the Assistance of that *Rebellion*, which he so much detests and abhors: And that he may see himself fully vindicated from all Reflections of the least Suspicion of that kind.

*The Answer of the House of Commons.*

The Commons Answer concerning Mr. Pym's Speech about Passes granted to Papists to go into Ireland.

**Y**OUR Majesty's most Loyal and Faithful Subjects, the Commons now Assembled in Parliament, have taken into their serious Consideration the Message received from your Majesty the *seventh of this Instant February*, and do acknowledge that the Speech therein mentioned to be delivered by Mr. Pym in a Conference, was printed by their Order, and that what was therein delivered was agreeable to the Sense of the House; and touching that Passage wherein it is affirmed, that *since the Stop upon the Ports against all Irish Papists by both Houses, many of the Chief Commanders, now in the Head of the Rebels, have been suffered to pass by your Majesty's immediate Warrant*: They present your Majesty with this their humble Answer.

That they have received divers Advertisements concerning the several Persons, *Irish Papists*, and others which have obtained your Majesty's *immediate Warrant* for their passing into *Ireland* since the Order of Restraint of both Houses, some of which, as they have been informed since their coming into *Ireland*, have joined with the *Rebels*, and been *Commanders* amongst them, and some others have been staid, and are yet in *safe Custody*, particularly the Lord *Delvin* and some other Persons in his Company, (whereof one is thought to be a *Priest*) one Colonel *Butler*, Brother to the Lord *Minyart*, now in *Rebellion*, and Sir *George Hamilton*, all which are *Papists*, and one other (as is reported) being Son of the Lord *Netersfield*, whose Father and Brother are both in *Rebellion*; the particular Names of others we have not yet received, but doubt not but upon Examination they may be discovered.

And your Majesty's most faithful Subjects are very sorry, that the *extream Caution* which your Majesty hath used, hath been so ill seconded with the Diligence and Faithfulness of your *Ministers*. And that your Royal Authority should be so highly abused, altho', as it was exprest in that Speech by Mr. Pym, we believe it was by the Procurement of some evil Instruments too near your Royal Person, *without your Majesty's Knowledge and Intention*. And we beseech your Majesty to take such Course that not only your Honour may be vindicated for the time past, but your Kingdom may be secured from like Mischief for the time to come.

Read, and by Vote of the Question, Assented unto.

*His Majesty's Reply to the House of Commons Answer concerning Licenses granted by the King to several Persons to go into Ireland.*

**A**S his Majesty hath expressed a great Desire to give his House of Commons all possible Satisfaction to all their just Requests, and a Readiness to rectifie or retract any thing done by himself, which might seem to trench upon their Privileges by any Mistake of his, so he doubts not they will be ready, upon all Occasions, to manifest an equal Tenderness and Regard of his Majesty's Honour and Reputation with his good Subjects; and therefore his Majesty expects they should review his Message of the seventh of this Month, concerning a Passage in Mr. Pym's Speech, and their Answer sent to his Majesty by some of their Members on the tenth of the same, with which his Majesty can by no means rest satisfied.

His Majesty's Exception in that Message was, that it was affirmed in that Speech, that *since the Stop upon the Ports against all Irish Papists, by both Houses; many of the Chief Commanders, now in the Head of the Rebels, have been suffered to pass by his Majesty's immediate Warrant*.

To this the Answer is, That the Speech mentioned in that Message to be delivered by Mr. Pym, was printed by their Order, and that what was therein delivered



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delivered was agreeable to the sense of the House: That they have received divers Advertisements concerning several Persons, Irish Papists and others, who have obtained His Majesty's immediate Warrant for their passing into *Ireland*, since the Order of Restraint of both Houses, some of which, they have been informed since their coming into *Ireland*, have joined with the Rebels, and been Commanders amongst them.

His Majesty is most assured, no such Person hath passed by His Warrant or Privy, and then He desires His House of Commons to consider, whether such a General Information and Advertisement (in which there is not so much as the Name of any particular Person mentioned) be ground enough for such a direct and positive Affirmation, as is made in that Speech, which in respect of the Place and Person, and being now acknowledged to be agreeable to the Sense of the House, is of that Authority, that His Majesty may suffer in the Affections of many of his good Subjects, and fall under a possible Construction (considering many scandalous Pamphlets to such a Purpose) of not being sensible enough of that Rebellion, so horrid and odious to all Christians, by which in this distraction, such a danger might possibly ensue to His Majesty's Person and Estate, as He is well assured His House of Commons will use their utmost endeavours to prevent. And therefore his Majesty thinks it very necessary, and expects that they name those Persons, who by his Majesties License have passed into *Ireland*, and are now there in the Head of the Rebels; Or, that if upon their re-examination, they do not find particular Evidence to prove that Assertion (as His Majesty is confident they never can); as this Affirmation, which may reflect upon his Majesty, is very publick, so they will publish such a Declaration, whereby that mistake may be discovered, His Majesty being the more tender in that particular, which hath Reference to *Ireland*, as being most assured that he hath been, and is, from his Soul, resolved to discharge his Duty (which God will require at his hands) for the Relief of his poor Protestant Subjects there, and the utter rooting out that Rebellion; So that Service hath not suffered any, but necessary delays by any Act of His Majesties, for the want of any thing proposed to His Majesty within His Majesty's Power to do.

For the Persons named in the Answer, His Majesty saith that Collonel *Butler*, and the Son of the Lord *Nattersfield*, obtained his Warrants for their Passage into *Ireland* at His Majesty's being in *Scotland*, which was long (as His Majesty thinks) before the Order of both Houses: His Majesty knowing the former of them to be one who hath always made Professions to his Service, and to be Uncle to the Earl of *Ormond*, of whose Affection to the Protestant Religion, and his Majesty's Service, his Majesty hath great Cause to be assured: And the latter being a Person of whom, at that time, there was no Suspicion to His Majesty's Knowledge. For the other, it may be, they have obtained Warrants from His Majesty since the said Order, but his Majesty assures the Parliament, That he had no Intimation of such an Order, till after Stay made of Sir *George Hamilton*, who was the last that had any License from His Majesty to pass for *Ireland*.

And his Majesty having since this Answer from the House of Commons used all possible means, by the examining his own memory, and the Notes of his Secretaries, to find what Warrants have been granted by him, and to what Persons, doth not find that he hath granted any to any Irish; but those who are named by the House of Commons, and in *December* last to the Earl of Saint *Albans*, and to two of his Servants, and to one *Walter Terrel*, a poor man, they being such as his Majesty is assured are not with the Rebels, and much less chief Commanders over them. And tho' it may be, the Persons named by the House of Commons are Papists, yet his Majesty, at that time, thought it not fit, in respect of their Alliance in that Kingdom, to such Persons of great Power, of whom his Majesty hoped well, to discover any Suspicion of them, the Lords Justices have declared by their Letters (which Letters were not disapproved of by the Parliament here) that they were so far from owning a publick Jealousie of all Papists there, that they had thought fit to put Arms into the hands of divers Noblemen of the *Pale* of that Religion, who made Professions to his Majesties Service, and desired the same. And since so great a Trust, reposed in some of the Lords of that Religion was not disapproved by the Parliament here, his Majesty could not imagine it unsafe or unfit for him to give Licenses to some few to pass into that Kingdom, who, tho' Papists, professed due Allegiance and Loyalty to his Majesty.



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‘ And therefore, unless the first Affirmation of the House of Commons can be made good by some particulars, his Majesty doth not know that his Ministers have failed in their diligence and faithfulness to his Majesty in this point, or that his Honour hath suffered so much by any Act of his own, as that it needs be vindicated for the time past, by any other way than such a Declaration which he expects from this House, as in Duty and Justice due to his Majesty.

*A Declaration of both Houses of Parliament sent to the King's Most Excellent Majesty, touching Passes into Ireland.*

*May it please Your Majesty,*

March 16.  
Declaration  
concerning  
Passes into  
Ireland.

YOur Majesty's most humble and faithful Subjects, the Knights, Citizens and Burgeses of the Common's House of Parliament, having considered Your Majesty's Reply to their Answer, touching such Persons as have been *licensed by your Majesty to pass into Ireland*, do most humbly beseech your Majesty to believe, that they shall always, with Thankfulness and Joy, receive from your Majesty any satisfactory Answer to their just Requests; and, as they hope, they shall find in Your Majesty a readiness to rectifie those things which have been done to their Prejudice, so will they be careful to remove all Apprehensions of their Actions or Speeches, which may seem to cast any Dishonour upon Your Majesty.

For Your Majesty's better satisfaction concerning the positive affirmation that many of the chief Commanders, now in the *Head of the Rebels* (after the Ports were stopped by Order of both Houses) have been suffered to pass by Your Majesty's immediate Warrant. May it please Your Majesty to consider, that herein they have affirmed nothing but what they had Cause to believe was true, the Grounds whereof they humbly present to Your Majesty.

The first Ground is this; That both Houses of Parliament (having, upon Your Majesty's Commendation, taken into their Care the Suppression of the Rebellion in *Ireland*) had Reason to be especially watchful over *the Ports*, because the Rebels, abounding in Numbers of Men, for the most part ignorant of the use of their Arms, could by no means become dangerous or formidable to this Kingdom, but by the access of Soldiers and *Commanders*, wherewith they were like to be furnished, either out of *France* or *Flanders*, from both which Places the Passage into *Ireland* is speedy and easie through this Kingdom, and therefore they could not chuse but be very sensible of whatsoever gave liberty or opportunity to such a Passage, as of a very hurtful and dangerous Grievance; for prevention whereof they did, upon the seventh of *November*, agree upon an Order, and restrain all Passage into *Ireland* without License; but, upon due and strict Examination, by such Persons as were trusted to make those Licenses.

A Second Ground, that the other Licenses acknowledged by Your Majesty's Answer were such (both in regard of the Persons to whom they were granted, and the extent of the words in which they were granted) as were apt to produce such an Effect as is mentioned in that positive Affirmation, that is, to open a way for the passage of Papists and other dangerous Persons to join with the Rebels, and to be Heads and Commanders among them, which is thus proved.

The Warrant granted to Collonel *Butler* (since the Order of Restraint by both Houses of Parliament) did extend to all Ports of *England* and *Scotland*, and did give free Passage to himself and to his Company, without any Qualification of Persons, or limitation of Number; and this Collonel was himself a Papist, had a Brother in Rebellion, and General of the Rebels in *Munster*, was expected, and very much desired by those Rebels, who for a long time kept a Regiment to be commanded by him, as we have been credibly informed.

The Second was granted to a Son of the Lord *Nettersfield*, which Lord had four Sons in *England* since the Rebellion, one of which is settled in *England*, three others intended to pass into *Ireland*, and were all dangerous Persons, being Papists, bred in the Wars, in the service of the King of *Spain*, and one of them lately become a Jesuit.

The Third, to the Lord *Delvin* extends to himself, and four Persons more unnamed; that one of those, who should have past with him, is taken to be a Jesuit, and another, who calls himself *Plunket*, seems to be a man of some Breeding and Quality, and like to have been serviceable to the Rebels, and to have done mischief, if he had gone over.

The



The Fourth to Sir *George Hamilton*, and three more unnamed: This Gentleman likewise is a profess'd Papist, and may be doubted to be of the Party of the Rebels; one of that name being mentioned in the instruction of *Sempil* the Jesuit, among divers other dangerous Persons of the Popish Party in *Scotland* and *Ireland*; which instructions were found in a Ship staid in *Cornwal*, which was going into *Ireland* with divers Jesuits, Soldiers, and others, for the Encouragement of the Rebels.

A Third Ground is this, That by vertue and authority of these Licenses several Persons have passed over, which are now in actual Rebellion, and joyned with the Rebels, and some have Command among them, which is thus Proved;

One Captain *Sutton* did by vertue and authority of Your Majesty's License, imbarke at *White-harven*, in the Company of Collonel *Butler*, and was driven back by foul weather; whereupon the Collonel staid, and went to *Chester*; but that Captain re-imbarkeed himself in the same Bottom, and passed into *Ireland*, where he went into Rebellion with the Lord *Dunfany*, and since obtained the Place of a Collonel among the Rebels, as we are very credibly informed.

Two of the Sons of the Lord *Nettersfield*, one a Jesuit, and the other a Soldier, passed into *Ireland* in *December* last, both of them by vertue of Your Majesty's Warrant, as we have cause to believe; for that they went both together in one Ship, and the Licenses, acknowledged to be granted by Your Warrant, must needs be granted to one of them; seeing the other Brother, who lately endeavoured to pass over, did produce no License, and upon his Examination doth absolutely deny that he had any.

A Fourth Ground (which we humbly offer to Your Majesty) is this; That Your Majesty cannot be assured, that no other did pass upon Your License, as Your Majesty doth conceive, and are pleased to express in Your Answer; and that we had great Cause to believe, that divers others had passed over by Your Warrant, besides the Persons afore-mentioned, and that for these Reasons:

1. Because we received such a general information, that divers now in the Head of the Rebels were passed by Your Majesty's License, which being true in part, and easie to be effected, in regard of the Nature and Extent of the Warrants, and probable to be attempted, in regard of the Subtilty and Vigilancy of that Party to make use of all Advantages, seemed to deserve Credit; which we should not have given to it, if it had been a naked information without such circumstances.

2. Because we had concurring Advertisements from *Ireland* and *Chester*, that divers Priests, Jesuits, and Popish Commanders had passed over, and were landed there, and particularly some of Collonel *Butler's* Company; and that the Officers of the Ports had kept no Entry of the Names of these Persons, or of the Warrants by which they were Transported.

These, we hope, will be sufficient to perswade Your Majesty to believe; that as we had some cause to give credit to the said Informations, so we had no intention to make any ill use of them to Your Majesty's Dishonour, but did impute the Blame to Your Ministers, who might have been more careful to have informed Your Majesty of the Quality of those Persons named in Your Licenses, and so to have limited them, that they might not have extended to others, as they did, how many and dangerous soever.

And they pray Your Majesty to rest assured, that they shall always be tender of Your Honour and Reputation with your good Subjects, and for this Cause have made this true Declaration of the full state of this matter, that they may think no otherwise of it than the Truth; and in all things shall labour to establish a good Understanding and Confidence betwixt Your Majesty and Your People, which they heartily desire, and pray for, as the chiefest means of preserving the Honour, Safety, and Prosperity of Your Majesty and Your Kingdom.

*His Majesty's Answer to a Message, sent to him by the House of Commons concerning Licenses, granted by him to Persons to go into Ireland.*

**H**IS Majesty hath seen and considered the Message, presented to Him by the Lord *Compton* and Mr. *Bainton*, the nineteenth of *March*, 1641. at *York*, touching such Persons as have been Licensed by His Majesty to pass into *Ireland*.

17. *Caroli.*

The King's Reply to the last Declaration about Passes into *Ireland*.



An. 1641.

The End of  
the Third  
Chapter.

‘Tho’ he will not insist upon what little Reason they had to suspect, that some ill affected Persons had passed into *Ireland*, under colour of His Majesty’s License (Inferences being slender Proofs to ground Belief upon) yet he must needs avow, that for any thing that is yet declared, he cannot see any Ground, why Mr. *Pym* should so boldly affirm before both Houses of Parliament, That *since the stop upon the Ports by both Houses against all Irish Papists, many of the Commanders, now in the Head of the Rebels, have been suffered to pass by His Majesty’s immediate Warrant*: for as yet there is not any particular Person named, that is now so much as in Rebellion (much less in the Head of the Rebels) to whom His Majesty hath given License.

‘And therefore, according to His Majesty’s Reply upon that Subject, His Majesty expects, that His House of Commons will publish such a Declaration, whereby this mistaking may be cleared; that so all the World may see His Majesty’s Caution in giving of Passes, and likewise, that His Ministers have not abused His Majesty’s Trust by any surreptitious Warrants.

‘And lastly, His Majesty expects, that henceforth there be more Wariness used, before such publick Aspersions be laid, unless the Grounds be beforehand better warranted by sufficient Proofs.

## C H A P. IV.

*The Militia controverted: being the several Petitions, Messages, Declarations, Answers, Replies, &c. that passed between His Majesty and the two Houses touching the same.*

TO state this Matter intire, we must look back into the Month of *January*, when the same began first to be started, and so proceed with the other successive Papers that pass’d thereupon.

*His Majesty’s Message sent to both Houses of Parliament, Jan. the 20th. 1641.*

His Majesty’s  
Proposal for  
Remedies of  
Evils, Jan the  
20th, 1641.

‘HIS Majesty perceiving the manifold Distractions which are now in this Kingdom, which cannot but bring great Inconvenience and Mischief to the whole Government. In which, as His Majesty is most chiefly interested, so he holds himself by many Reasons, most obliged to do what in him lies, for the Preventing thereof; tho’ he might justly expect (as most proper for the Duty of Subjects) that Propositions, for the Remedies of these Evils, ought rather to come to him, than from him; yet his Fatherly Care of all his People being such, that he will rather lay by any particular Respect of his own Dignity, then that any time should be lost for preventing of these threatening Evils, which cannot admit of the Delays of the ordinary Proceedings in Parliament, doth think fit to make this ensuing Proposition to both Houses of Parliament, That they will with all speed fall into a serious Consideration of all those Particulars, which they shall hold necessary, as well for the upholding and maintaining of His Majesty’s Just and Regal Authority, and for the settling of His Revenue, as for the present and future Establishment of their Privileges; the free and quiet enjoying of their Estates and Fortunes; the Liberties of their Persons; the Security of the true Religion now professed in the Church of *England*, and the settling of Ceremonies in such a manner, as may take away all just Offence; which, when they shall have digested and composed one intire Body, that so His Majesty and themselves may be able to make the more clear Judgment of them, it shall then appear by what His Majesty shall do, how far he hath been from intending, or designing any of those things, which the too great Fears and Jealousies of some Persons seem to apprehend, and how ready he will be to exceed the greatest Examples of the most indulgent Princes in their Acts of Grace and Favour to their People: So that if all the present Distractions (which so apparently threaten the Ruin of this Kingdom) do not (by the Blessing of Almighty God) end in an happy and blessed Accommodation, His Majesty will be ready to call Heaven and Earth, God and Man to witness, that it hath not failed on his Part.

To



## To the King's most Excellent Majesty.

17 Caroli.

The Humble Petition of the Knights, Citizens, and Burgeses of the Commons House now in Parliament Assembled, in Answer to His Majesty's Message of the 20th. of January.

Humbly Sheweth,

**T**HAT whereas the Houses of Parliament have received a gracious Message from your Majesty, dated the twentieth Day of this Instant January, your Petitioners returns to your Majesty most humble Thanks, resolving to take it into speedy and serious Consideration; and to enable them with Security to discharge their Duties therein, they desired the Peers therein to joyn with them, in humbly beseeching your Sacred Majesty to raise up unto them a sure Ground of Safety and Confidence, by putting the Tower and other principal Forts of the Kingdom, and the whole Militia thereof into the Hands of such Persons as your Parliament might confide in, and as should be recommended unto your Majesty by both Houses of Parliament, that all Fears and Jealousies being laid aside, they might with all Chearfulness proceed to such Resolutions as they hoped would lay a sure Foundation of Honour, Greatness, and Prosperity unto your Subjects throughout all your Dominions; wherein the House of Peers have refused to joyn with your Petitioners: They, notwithstanding, no way discouraged, but confiding in your Majesty's Goodness to your People, do therefore make their most humble Address to your Majesty, to beseech you, that the Tower of London and other principal Forts, and the whole Militia of the Kingdom, may be put into the Hands of such Persons as shall be recommended unto your Majesty by your Petitioners; not doubting but they shall receive a gracious and speedy Answer to this their humble Desire. Without which, in all Human Reason, the great Distraction of the Kingdom must needs overwhelm it with Misery and Ruin.

House of  
Commons  
Answer.

And your Petitioners shall ever Pray.

*His Majesty's Answer to the Petition of the Commons House January the 28th, 1641.*

**H**IS Majesty having seriously considered of the Petition presented to him from the House of Commons, on Wednesday the twenty sixth of this Month, returns this Answer:

That he was in good hope, his gracious Message of the twentieth of this Month, to both Houses; would have produced some such Overture, which by offering what is fit on their Parts to do, and asking what is proper for His Majesty to grant, might beget a mutual Confidence in each other.

Concerning the Tower of London, His Majesty did not expect, that having preferred a Person of a known Fortune, and unquestionable Reputation to that Trust, he should be pressed to remove him, without any particular Charge objected against him; and therefore returns his Answer:

That if upon due Examination, any Particular shall be presented to His Majesty, whereby it may appear, that His Majesty was mistaken in his Opinion of this Gentleman, and that he is unfit for the Trust committed to him, His Majesty will make no Scruple of Discharging him; but otherwise His Majesty is obliged in Justice to himself, to preserve his own work, lest his Favour and good Opinion may prove a disadvantage and misfortune to his Servants, without any other Accusation; of which His Majesty doubts not his own House of Commons will be so tender (as of a business wherein His Majesty's Honour is so much concerned) that if they find no material exception against his Person, they will rather endeavour to satisfy and reform the Fears of other Men, then by complying with them, press His Majesty to any Resolution which may seem so much to reflect upon his Honour and Justice. For the Forts and Castles of the Kingdom, His Majesty's resolved that shall always be in such Hands (and only such) as the Parliament may safely confide in; but the nomination of any Persons to those Places (being so principal and inseparable a Flower of his Crown, vested in him, and derived unto him from his Ancestors, by the Fundamental Laws of the Kingdom) he will reserve to himself; in bestowing whereof, as His Majesty will take Care that no corrupt sinister Courses shall prevail with him, so he is willing to declare, that

The King's  
Answer to  
the Petition  
about the  
Militia, Jan.  
the 28th.

he



An 1641.

he shall not be induced to expresse that favour so soon to any Persons, as to those whose good demeanour shall be eminent in, or to his Parliament; and if he now hath, or shall at any time by mis-information, confer such a Trust upon an undeserving Person, he is, and will always be ready to leave him to the Wisdom and Justice of his Parliament.

For the Militia of the Kingdom, (which by the Law is subject to no command, but of His Majesty, and of Authority lawfully derived from him) when any particular Course, for the ordering the same (which His Majesty holds very necessary for the Peace and Security of his Kingdom) shall be considered and digested by his Parliament, and proposed to His Majesty; His Majesty will return such an Answer as shall be agreeable to his Honour, and the Safety of his People, His Majesty being resolved only to deny those things, the granting whereof would alter the Fundamental Laws, and endanger the very Foundation, upon which the publick happiness and welfare of his People is founded and constituted, and would nourish a greater and more destructive Jealousie between the Crown and the Subject. then any of those which seem to be taken away by such a Satisfaction. And His Majesty doth not doubt, that his having granted more than ever King hath granted, will ever perswade his House of Commons to ask more than ever Subjects have asked, and if they shall acquaint His Majesty with the particular Grounds of their Doubts and Fears, he will very willingly apply Remedies proportionable to those Fears; for His Majesty calls God to witness, that the Preservation of the publick Peace, the Law, and Liberty of the Subject, is, and shall always be as much His Majesty's Care and Industry, as of his own Life, or the Lives of his dearest Children. And therefore His Majesty doth conjure his House of Commons by all the Acts of Duty and Favour they have received from him this Parliament, by their hopes of future Happiness in His Majesty, and in one another, by their Love of Religion, and the Peace of this Kingdom (in which that of Ireland cannot be forgotten) that they will not be transported by Jealousies and Apprehensions of possible Dangers, to put themselves or His Majesty into real and present Inconveniencies; but that they will speedily pursue the way proposed by His Majesty's former Message, which in human Reason is the only way to compose the Distractions of the Kingdom, and with God's Blessing will restore a great measure of Felicity to King and People.

### To the King's most Excellent Majesty.

The humble Petition of the Lords and Commons assembled in Parliament.

Most Gracious Sovereign,

Petition delivered the 2d. of Feb. for putting the Militia into such Hands as should be recommended by both Houses.

**T**HE present Evils and Calamities wherewith your Kingdoms are most miserably intangled, the imminent Dangers which threaten your Royal Person, and all your People, have caused us your most faithful and obedient Subjects, the Lords and Commons in this present Parliament, with thankfulness to entertain, and with all earnestness of affection and endeavour to pursue the gracious Proposition and Direction, which not long since we have received from your Majesty. And we have thereupon taken into our most serious consideration the ways and means of securing the safety of your Royal Person, preserving the Honour and Authority of your Crown, removing all jealousies betwixt your Majesty and your People, suppressing the Rebellion in Ireland, preventing the Fears and Dangers in this Kingdom, and the mischievous Designs of those who are Enemies to the Peace of it. And that we may with more comfort and security accomplish our duties herein, We most humbly beseech your Majesty, That you will be pleased forthwith to put the Tower of London, and all other Forts, and the whole Militia of the Kingdom, into the hands of such persons as shall be recommended unto your Majesty by both Houses of Parliament. Which they assure themselves will be a hopeful entrance into those Courses, which (through God's blessing) shall be effectual for the removing all Diffidence and Misapprehension betwixt your Majesty and your People, and for establishing and enlarging the Honour, Greatness, and Power of your Majesty and Royal Posterity, and for the restoring and confirming the Peace and Happiness of your Loyal Subjects in all your Dominions. And to this our most necessary Petition, we in all humility expect your Majesty's speedy and gracious Answer, the great Distractions and Distempers of the Kingdom not admitting any Delay.

His



*His Majesty's Answer.*

17 Caroli.

King's Answer.

**H**IS Majesty having well considered of this Petition, and being desirous to express how willing he is to apply a Remedy, not only to your *Dangers*, but even to your *Doubts* and *Fears*, he therefore returns this Answer, That when he shall know the *extent of Power* which is intended to be establish'd in those Persons whom you desire to be Commanders of the *Militia*, in the several Counties, and likewise to *what time* it shall be limited, that no Power shall be executed by his Majesty alone, without the Advice of Parliament, then he will declare, That (for the securing you from all Dangers or Jealousies of any) His Majesty will be content to put in all the Places, both of *Forts and Militia* in the several Counties, such Persons as both the Houses of Parliament shall either *approve*, or *recommend* unto him, so that you declare before unto his Majesty the Names of the Persons whom you approve or recommend, unless such Persons shall be named against whom he shall have *just* and unquestionable exception.

*A Message from His Majesty to the House of Peers, on Friday the 11th of February, 1641. concerning his Acceptance of Sir John Coniers, in the Place of Sir John Biron, to be Lieutenant of the Tower.*

**A**Lthough his Majesty conceives that he is not obliged to give an Answer in any particular, concerning the *Forts and Militia* of the Kingdom, until he shall know and consent to the power and the time, how and to whom, the *Forts and Militia* shall be disposed. Yet, to shew his real Intention, to satisfy the *Fears* of his People, he is content to accept of *Sir John Coniers*, in the place of *Sir John Biron*, for to be Lieutenant of the *Tower of London*, having already at his earnest Desire, received the Surrender of the said place from him.

Concerning the Lieutenant of the Tower.

*An Ordinance of both Houses of Parliament, for the ordering of the Militia of the Kingdom of England, and Dominion of Wales.*

**W**Hereas there hath been of late a most dangerous and desperate Design upon the House of Commons, which we have just Cause to believe to be an Effect of the bloody Councils of Papists, and other ill affected Persons, who have already raised a Rebellion in the Kingdom of *Ireland*; and by reason of many Discoveries, we cannot but fear they will proceed, not only to stir up the like Rebellion and Insurrections in this Kingdom of *England*; but also to back them with Forces from abroad. For the Safety therefore of his Majesty's Person, the Parliament and Kingdom in this time of imminent Danger. It is ordained by the King, the Lords and Commons now in Parliament assembled, that            shall have power to assemble and call together all singular His Majesty's Subjects within the County of            as well within the Liberties as without, that are meet and fit for the Wars, and them to Train, Exercise, and put in Readiness, and them after their Abilities and Faculties well and sufficiently from time to time to cause to be arraied and weaponed, and the Master of them to be taken in places most fit for that purpose. And            shall have power within the said County, to nominate and appoint such Persons of Quality as to him shall seem meet to be his Deputy Lieutenants, to be approved of by both Houses of Parliament, and that any one or more of the said Deputies so assigned and approved of, shall in the Absence, or by the command of the said            have Power and Authority to do and execute within the County            all such Powers and Authorities before in this present Ordinance contained, and shall have power to make Colonels and Captains, and other Officers, and to remove out of their places, and to make others, from time to time, as he shall think fit for that purpose; and            his Deputies, Colonels, and Captains, and other Officers shall have further Power and Authority to Lead, Conduct, and Employ the foresaid arraied and weaponed, as well within the County of, as within any other part of this Realm of *England*, or Dominion of *Wales*, for the Suppression of Rebellions, Insurrection, and Invasions that may happen, according as they from time to time shall receive Directions by his Majesty's Authority, signified unto them by the Lords and Commons assembled in Parliament.

The Form of the Ordinance for the Militia presented to his Majesty with a Petition, desiring his Consent to the same.



17 Caroli.

And it is further ordained ; that such Persons as shall not obey in any of the Premises, shall Answer their neglect and contempt to the Lords and Commons in a Parliamentary way, and not otherwise nor else where, and that every the powers granted, as aforesaid shall continue, until it shall be otherwise ordered or declared by both Houses of Parliament, and no longer.

This to go also to the Dominion of *Wales*.

John Brown, Cler. Parliament.

*A List of those Persons nominated and recommended by the House of Commons to His Majesty : As Persons fit to be Entrusted with the Militia of the Kingdom, wherein they desire the Concurrence of the House of Peers.*

Names of the Persons recommended by the Commons to be trusted with the Militia, Feb. 12, 1641.

**B**arshire, Earl of Holland ; Bedfordshire, Earl of Bullingbrook ; Buckinghamshire, Lord Paget ; Cambridgeshire and the Isle of Ely, Lord North ; Cheshire, and the County and City of Chester, Lord Strange ; Cornwall, Lord Roberts ; Cumberland, Lord Gray of Wark ; Derby, Earl of Rutland ; Devonshire and of the County and City of Exon, Earl of Bedford ; Dorsetshire and the County of the Town of Pool, Earl of Salisbury ; for the Isle of Purbeck, County of Dorset, Sir John Banks, Knight, Lord Chief Justice of the Common Pleas, and Constable of Corff-Castle ; Durham, Sir Henry Vane, Sen. Essex, Earl of Warwick ; Gloucestershire and of the County and City of Gloucester, Lord Shandois ; Hampshire and of the Town and County of Southampton, and of the Isle of Wight, Earl of Pembroke ; Hartfordshire, Earl of Salisbury ; Herefordshire, Lord Dacres ; Huntingdonshire, Lord Mandewile ; Kent and the City and County of Canterbury, Earl of Leicester ; County of Lancaster, Lord Wharton ; Leicester, Earl of Stamford ; Middlesex, Earl of Holland ; County of Northampton, Lord Spencer ; Nottingham, and of the Town and County of Nottingham, Earl of Clare ; Northumberland, and of the Town and County of Newcastle, and of the Town of Barwick, Earl of Northumberland ; Norfolk, and of the County and City of Norwich, Earl of Warwick ; Oxfordshire, Lord Viscount Say and Seal ; Rutland, Earl of Exon ; Salop, Lord Littleton, Lord Keeper of the great Seal of England ; Somerset, Marquis Hertford.

That the Lieutenant of the County of Worcester, shall be nominated before Somerset.

Staffordshire, and of the County of the City of Lichfield, Earl of Essex ; Suffolk, Earl of Suffolk ; Surry, Earl of Nottingham ; Sussex, Earl of Northumberland ; Warwick, and of the County of the City of Coventry, Lord Brook ; Westmerland, Earl of Cumberland ; Wiltshire Earl of Pembroke ; Wigorn, and of the County of the City of Worcester, Lord Edward Howard of Escrig ; for the County and City of Bristol, Mr. Denzil Hollis ; Yorkshire, and of the County of the City of York, and of the County of the Town of Kingstone on Hull, Earl of Essex ; of the parts of Kesteven and Holland, and the County of the City of Lincoln, Earl of Lincoln ; for the parts of Lindsey in the County of Holland, Lord Willoughby of Parham ; Monmouth, Lord Philip Herbert ; Isle of Anglesey, Earl of Northumberland ; Brecknock, Lord Philip Herbert ; Cardigan, Earl of Carbery ; Carmarthen and Carmarthen Town, Earl of Carbery ; Carnarvan, Earl of Pembroke ; Denbigh, Lord Fielding ; Flintshire, Lord Fielding ; Glamorgan, Lord Philip Herbert ; Montgomery, Earl of Essex ; Merioneth, Earl of Pembroke ; Pembroke, and the Town of Haverford West, Earl of Northumberland ; Radnor, Lord Littleton, Lord Keeper of the Great Seal of England.

That for the Levying, Ordering and Exercising of the Militia of the City of London, Power is given unto Sir John Gaire, Sir Jacob Garret, Knights and Aldermen, Thomas Atkin, Alderman, Sir John Wollastone, Knight and Alderman, John Warner, Alderman, and John Towse, Alderman, Serjant Major General Skippon, or any three or more of them ; Randolph Manwaring, William Gibs, John Fowke, James Bunce, Francis Peck, Samuel Warner, James Russel, Nathaniel Wright, William Barkley, Alexander Normington, Stephan Estweek, Owen Rowe, Citizens of London, or any six or more of them.

His Majesty respites his Answer touching the Ordinance for settling the Militia.

*His Majesty's Message to both Houses, concerning the Militia.*

**H**IS Majesty having received an Humble Petition of the Lords and Commons, by the Hands of the Earls of Carlisle and Monmouth, returns this Answer,



Answer, That his dearest Consort the Queen, and his dear Daughter the Princess Mary, being now upon their Departure for Holland, he cannot have so good time to consider of a particular Answer, for a Matter of so great weight as this is, therefore he must respite the same until his Return.

An. 1641.

To the King's most Excellent Majesty.

The Humble Petition of the Lords and Commons, concerning this Message.

**M**AY it please your most Excellent Majesty, your Humble and Loyal Subjects, the Lords and Commons, have with a great deal of Grief received your Majesty's Answer to their just and necessary Petition, concerning the Militia of the Kingdom; which your Majesty by a Gracious Message formerly sent unto them, was pleased to promise, should be put into such Hands as your Parliament should approve of, or recommend unto you; the extent of their power, and the time of their continuance being likewise declared. That being done, and the Persons by both Houses nominated, your Majesty, nevertheless, refers your Resolution herein to a longer and a very uncertain time, which (the present dangers and distractions so great and pressing) is as unsatisfactory and destructive, as an absolute Denial.

Petition of the Parliament dissatisfied with the said Message, Feb. 22. 1641.

Therefore, we once again beseech your Majesty, to take our desire into your Royal Thoughts, and to give us such an Answer, as may raise in us a confidence that we shall not be exposed to the practices of those, who thirst after the Ruin of this Kingdom, and the kindling of that combustion in England, which they have, in so great a measure, effected in Ireland; for whence (as we are daily informed) they intend and endeavour to invade us, with the assistance of the Papists here amongst us.

Nothing can prevent these evils, nor enable us to suppress the Rebellion in Ireland, and secure our selves, but the instant granting of that Humble Petition, which we hope your Majesty will not deny to those, who must in the discharge of their duties both to your Majesty and the Common-wealth, represent unto your Majesty what they find so absolutely necessary, for the preservation of both, which the Laws both of God and Man enjoin them to see put in Execution, as several Counties by their daily Petitions have desired of us, and in some places begun already to do it of themselves.

CHARLES Rex.

To Our Trusty and Well-beloved Councillor, Edward Lord Littleton, Keeper of the Great Seal.

**R**IGHT Trusty and Well-beloved Councillor: We greet you well. Our Will and Pleasure is, That you deliver to be read in the House of Peers, this our Answer, to the Desire from both both Houses, concerning the Militia, and for so doing, this shall be your sufficient Warrant.

The King's Letter concerning the Militia.

Given at our House at Greenwich, the 28th of February, 1641.

His Majesty's Answer to both Houses of Parliament, concerning the Militia, Febr. 28, 1641.

**H**IS Majesty having with his best Care and Understanding, perused and considered, that which was sent him from both Houses, for the ordering of the Militia, presented unto him to be made an Ordinance of Parliament, by the giving of his Royal Assent; as he can by no means do it for the Reasons hereafter mentioned, so he doth not conceive himself obliged by any Promise made in his Answer of the second of this Month, to the Petition of both Houses to yield the same.

His Majesty's Answer, Feb. 28. about the Ordinance for settling the Militia.

His Majesty finds great cause to except against the Preface or Introduction to that Order which confesseth a most dangerous and desperate Design upon the House of Commons, of late supposed to be an effect of the bloody Councils of Papists, and other ill-affected Persons, by which many may understand (looking upon other printed Papers to that purpose) his coming in Person to the House of Commons, on the 4th of January, which begot so unhappy a misunderstanding



An. 1641.

understanding between him and his People ; and for that, *tho' he believes it upon the Information since given, to be an apparent Breach of their Privilege*, and hath offered to repair the same for the future, by any Act that shall be desired of his Majesty, yet he must declare, and require to be believ'd, that he had no other Design upon that House, or any Member of it, than to require (as he did) the Persons of those five Gentlemen, his Majesty had the day before accused of High-Treason ; and to declare, that he meant to proceed against them legally and speedily, upon which he believed that House would have delivered them up ; and his Majesty *calls the Almighty God to Witness*, that he was so far from any intention or thought of force or violence, altho' that House had not delivered them according to his Demand, or in any Case whatsoever, that he gave those his Servants, and others, that waited on his Majesty, express charge and command, that they should give no offence to any Man ; nay, if they received any provocation or injury, that they should bear it without return ; and his Majesty neither saw or knew, that any Person of his Train had any other Weapons, but his Pensioners and Guards those with which they usually attend his Majesty, and the other Gentlemen, Swords. And therefore his Majesty doubts not, but his Parliament will be regardful of his Honour herein, that he shall not undergo any imputation by the rash or indiscreet expressions of any Young Men then in his Train, or by any desperate Words uttered by others, who might mingle with them without his Consent or Approbation.

For the Persons nominated to be Lieutenants of the several Counties of *England and Wales*, his Majesty is contented to allow that recommendation, only concerning the City of *London*, and such Corporations, as by ancient Charters have granted unto them the power of the Militia, his Majesty doth not conceive, that it can stand with Justice or Polity to alter their Government in that particular.

And his Majesty is willing forthwith to grant every of them, (that of *London*, and those other Corporations excepted,) such Commissions, as he hath done during this Parliament, to some Lord Lieutenants by your advice, but if that power be not thought enough, but that more shall be thought fit to be granted to these Persons named, than by the Law is in the Crown it self : His Majesty holds it reasonable, that the same be by Law first vested in him, with power to transfer it to these Persons, which he will willingly do ; and whatever that power shall be, to avoid all future doubts and questions, his Majesty desires, it may be digested into an Act of Parliament rather than an Ordinance ; so that all his loving Subjects may thereby particularly know, both what they are to suffer, and what they are not to suffer, for their neglect, that there be not the least latitude for his good Subjects to suffer under any Arbitrary Power whatever.

As to the time desir'd for the continuance of the powers to be granted, his Majesty giveth this Answer, That he cannot consent to divest himself of the just Power, which God and the Laws of this Kingdom have placed in him for the Defence of his People, and to put it into the Hands of any other for any indefinite time. And since the ground of this Request from his Parliament, was to secure their present Fears and Jealousies, that they might with safety apply themselves to the matter of his Message of the 20th of *January* : His Majesty hopeth, that his Grace to them, since that time, in yielding to so many of their desires, and in agreeing to the Persons now recommended to him by his Parliament, and the power before expressed to be placed in them, will wholly dispel those Fears and Jealousies ; and assureth them, that as his Majesty hath now apply'd this unusual Remedy to their Doubts, so (if there shall be Cause) he will continue the same to such time as shall be agreeable to the same care he now expresseth toward them.

And in this Answer, his Majesty is so far from receding from any thing he promised, or intended to grant in his Answer to the former Petition ; that his Majesty hath hereby consented to all was then asked of them by that Petition concerning the Militia of the Kingdom, (except that of *London*, and those other Corporations,) which was to put the same into the Hands of such Persons as should be recommended unto him by both Houses of Parliament : And his Majesty doubts not, but the Parliament upon well weighing the particulars of this his Answer, will find the same more satisfactory to their ends, and the peace



peace and welfare of all his good Subjects, than the way proposed by this intended Ordinance, to which, for these Reasons his Majesty cannot consent.

And whereas his Majesty observes by the Petition of both Houses presented to him by the Earl of Portland, Sir Tho. Heal, and Sir Will. Savile, that in some places some persons begin already to intermeddle of themselves with the Militia, his Majesty expecteth that his Parliament should examine the particulars thereof, it being a Matter of high Concernment and very great Consequence.

And his Majesty requireth, that if it shall appear to his Parliament, That any persons whatsoever have presumed to command the Militia without Lawful Authority, they may be proceeded against according to Law.

The Petition of both Houses of Parliament concerning the *Militia*, &c.

Presented to His Majesty at *Theobalds*, 1 *Martii*, 1641.

Most Gracious Sovereign,

Your Majesty's most Loyal and Obedient Subjects, the Lords and Commons in Parliament, do find their Just Apprehensions of Sorrow and Fear, in respect of the publick Dangers and Miseries like to fall upon your Majesty and the Kingdom, to be much increased, upon the Receipt of your unexpected Denial of their most humble and necessary Petition, concerning the Militia of the Kingdom, especially grieving, that wicked and mischievous Councillors, should still have that Power with your Majesty, as in this time of imminent and approaching Ruin, rather to incline your resolutions to that which is apt to further the accomplishment of the desires of the most malignant Enemies of God's true Religion, and the peace and safety of your Self and your Kingdom than to the dutiful and faithful counsel of your Parliament: Wherefore they are enforced in all humility, to protest, that if your Majesty shall persist in that denial, the dangers and distempers of the Kingdom are such, as will endure no longer delay: But unless you shall be graciously pleased to assure them by these Messengers; that you will speedily apply your Royal Assent to the satisfaction of their former desires, they shall be enforced, for the safety of your Majesty and your Kingdom, to dispose of the Militia by the Authority of both Houses, in such manner as hath been propounded to your Majesty, and they resolve to do it accordingly.

They likewise most humbly beseech your Majesty to believe, that the dangerous and desperate design upon the House of Commons, mentioned in their Preamble, was not inserted with any intention to cast the least aspersion upon your Majesty, but herein they reflected upon that malignant party, of whose bloody and malicious practices they have had so often experience, and from which they can never be secure, unless your Majesty will be pleased to put from you those wicked and unfaithful Counsellors, who interpose their own corrupt and malicious designs betwixt your Majesty's goodness and wisdom, and the prosperity and contentment of your Self, and of your People: And that for the dispatch of the great Affairs of the Kingdom, the safety of your Person, the protection and comfort of your Subjects, you will be pleased to continue your abode near to London, and the Parliament, and not to withdraw your self to any the remoter parts; which, if your Majesty should do, must needs be a Cause of great danger and distraction.

That your Majesty will likewise be graciously pleased to continue the Prince his Highness in these parts, at St. James's, or any other of your Houses near London, whereby the designs which the Enemies of the Religion and Peace of this Kingdom may have upon his Person, and the jealousies and fears of your People may be prevented. And they beseech your Majesty to be informed by them, that, By the Laws of the Kingdom, the Power of raising, ordering, and disposing of the Militia, within any City, Town, or other Place, cannot be granted to any Corporation by Charter, or otherwise, without the Authority and Consent of Parliament; and that those parts of the Kingdom which have put themselves in a posture of defence against the Common Danger, have therein done nothing but according to the Declaration and Direction of both Houses, and what is justifiable by the Laws of the Kingdom.

All which, their most humble counsel and desires, they pray your Majesty to accept, as the effect of that Duty and Allegiance which they owe unto You, and which will not suffer them to admit of any thoughts, intentions, or endeavours, but such as are necessary and advantageous for your Majesty's Greatness and Honour, and the Safety and Prosperity of the Kingdom, according to that Trust and Power which the Laws have reposed in them.

17 Caroli.

Petition presented to his Majesty, 1 March, 1641. at Theobalds touching the Militia.



An. 1641.

*His Majesty's Answer to the Petition of both Houses, presented the First of March, 1641.*

King's Answer, March 2.

I Am so much amazed at this Message, that I know not what to answer : You speak of Jealousies and Fears : Lay your hands to your hearts, and ask your Selves whether I may not likewise be disturbed with Fears and Jealousies : And if so, I assure you this Message hath nothing lessened them.

For the Militia, I thought so much of it before I sent that Answer, and am so much assured that the Answer is agreeable to what in Justice or Reason you can ask, or I in Honour grant, that I shall not alter it in any Point.

For my Residence near you, I wish it might be so safe and honourable, that I had no Cause to absent my self from *White-Hall* ; ask your selves whether I have not.

For my Son, I shall take that care of him, which shall justifie me to God as a Father, and to my Dominions as a King.

To conclude, I assure you upon my Honour, that I have no thought but of Peace and Justice to my People, which I shall by all fair means seek to preserve and maintain, relying upon the goodness and providence of God for the preservation of my Self and Rights.

*VOTES upon His Majesty's last Answer, concerning the Militia, resolved upon by the House of Commons.*

Votes of the Commons touching the Militia, and the King's last Answer.

**R**esolved, &c. That this Answer of his Majesty is a Denial to the Desires of both Houses of Parliament, concerning the Militia.

Resolved, &c. That those that advised his Majesty to give this Answer, are Enemies to the State, and mischievous Projectors against the Defence of the Kingdom.

Resolved, &c. That this Denial is of that dangerous Consequence, that if his Majesty shall persist in it, it will hazard the peace and safety of all his Kingdoms, unless some speedy remedy be apply'd by the wisdom and authority of both Houses of Parliament.

Resolved, &c. That such parts of this Kingdom as have put themselves into a posture of defence against the Common Danger, have done nothing but what is justifiable, and is approved by the House.

Resolved, &c. That if his Majesty shall remove into any remote parts from his Parliament, it will be a great hazard to the Kingdom, and a great prejudice to the proceedings of the Parliament.

Resolved, &c. That this House holds it necessary, that his Majesty may be desired, that the Prince may come unto *St. James's*, or to some other convenient place near about *London*, and there to continue.

Resolved, &c. That the Lords be desired to joyn with this House in an humble request unto his Majesty, That he will be pleased to reside near his Parliament, that both Houses may have a convenience of access unto him upon all occasions.

Resolved, &c. That the Lords be moved to joyn with this House in some fit course of examination, to find who were the persons that gave his Majesty this advice, that they may be removed from his Majesty, and brought to condign punishment.

Resolved, &c. That no Charter can be granted by the King ; to create a power in any Corporation, over the Militia of that place, without consent of Parliament.

Resolved, &c. That the Lords shall be moved to joyn with this House in these Votes.

Resolved, &c. That the Lords shall be desired to appoint a Select Committee, that may joyn with a Committee of a proportionable number of this House ; to consider, and prepare what is fit to be done upon these Votes, or upon any thing else that may arise upon this Answer of his Majesty concerning the Militia, and concerning the Prince.

Whilst the Parliament were thus busie in debates touching the ordering of the



the Militia, for the several Counties: Some declared their Opinions, that the power of the *Militia* was solely in the King, and ought to be left to him, and that the Parliament never did, nor ought to meddle with the same.

Others were of Opinion, that the King had not this power in him, but that it was in the *Parliament*, and that if the King refused to order it according to the advice of the Parliament, that then they by the Law might do it *without* him, and this was moved to be now done by the Parliament, the King having denied the former Petitions, for settling of the Militia as they desired.

Upon this Debate this Speech was made:

Mr. Speaker,

I Have often heard it said in former Debates in other Matters, in this House, that such and such a thing was of a great Concernment, *as ever came within these Walls*, I am sure it may be said so of the Matter of your present debate; it is truly of the greatest concernment that ever came within these Walls.

It highly concerns us all, and our posterity after us, where the power of this Militia shall be placed; this great power, which indeed commands all men, and all things cannot be too warily lodged, nor too seriously considered; and I do heartily wish, that this Great Word, this New Word, the *Militia*, this Harsh Word, might never have come within these Walls; but that this House might be as the Temple of *Janus*, ever shut against it: I take the meaning of those Gentlemen, who introduced this Word, to be, the Power of the Sword, *Potestas Gladii*, which is a great and necessary power, and properly belonging to the Magistrate, *Potestas Gladii in Facinerosos*, without which our Peace and Prosperity cannot be maintained.

But *Potestas Gladii in manibus Facinerosorum* in the Hands of Soldiers, is that whereof you now debate, and it is best out of their Hands, I hope it will never come there; some worthy Gentlemen have declared their Opinions, that this power of the Militia is by Right and Law in the King only; others affirm it to be in the Parliament only. I crave pardon to differ from both these opinions, I humbly apprehend that this power of the Militia, is neither in the King only, nor in the Parliament, and if the Law hath placed it any where, it is both in the King and Parliament, when they joyn together.

And it is a wise Institution of our Law, not to settle this power any where, but rather to leave it in *Dubio*, or in *Nubibus*, that the people might be kept in ignorance thereof, as a thing not fit to be known, nor to be pry'd into; it is the great *Arcanum Imperii*, and the less it is meddled with, the less acquaintance we have with it, the better it will be for all sorts of persons, both for King and people.

That this power of the Militia, is not in the King only, appears in this, that the power of Money is not in the King; but it will be granted here that the power of Money is solely in this House; and without the power of Money to pay the Soldiers, the power of the Militia will be of little force.

But if the power of the Militia should be in the King, yet the power of Money being in the Parliament, they must both agree, or else keep the Sword in the Scabbard, which is the best place for it.

It is true, that the King by his Tenures may require the Service in War of those that hold of him, but if they stay above forty days with him, unless he give them pay, they will stay no longer.

And it is also true (as hath been observed) that our Law looks upon the King as the Jewish Law did upon theirs, that by his Kingly Office, he is to go in and out before the people, and to lead them in Battle against their Enemies, but by the Laws of the *Jews*, their King could not undertake a War abroad without the consent of the great *Sanhedrim*.

And by our Law, as is declared by the Statute of 1. E. 3. and by divers subsequent Statutes, the King can compel no Man to go out of his Country, but upon the sudden coming of strange Enemies into the Realm; and how many of our Parliament Rolls do record that the King advised with his Parliament about his Foreign Wars, and could not undertake them without the advice and supplies of the Parliament.

All Power of the Militia is exercised either in offence or defence, defence is either against the Invasion of Enemies from abroad, or against Insurrections at home.

17 Caroli.

Several Opinions, even in the House, about the Right of Disposing the Militia.

Whitlock, fol.

53.

A Speech thereupon.

Against



An. 1641.

Against Insurrections at home, the Sheriff of every County hath the power of the Militia in him, and if he be negligent to suppress them with the *Posse Comitatus* he is finable for it.

Against Invasions from abroad, every Man will be forward to give his Assistance, there will be little need to raise Forces when every Man will be ready to defend himself, and to fight *pro Aris & Focis*.

As to Offensive War against a Foreign Enemy, if the King will make it of himself, he must of himself pay his Army, which his own Revenue will hardly afford, nor can he compel any of his Subjects to serve him in those Wars; none can by Law be pressed to serve in the War, but by Act of Parliament.

But not to waste more of your time, Sir, I shall conclude, that in my humble opinion, the power of the Militia is neither in the King alone nor in the Parliament, but if any where, in the Eye of our Law, it is in the King and Parliament, both consenting together.

And I think it best that it should be there still, I cannot joyn in that advice to you, to settle the Militia of our selves without the King, but rather with those worthy Gentlemen who have moved, that we yet again should petition his Majesty, that the Militia may be settled in such Hands, as both he and you shall agree upon, whom you may trust, and who, I hope, will be more careful to keep it sheathed than to draw it.

But notwithstanding these and the like motions, the major part were for the Militia to be settled by Ordinance.

*Questions resolved upon by both Houses of Parliament, with an Order for the speedy Rigging of the Navy, for the Defence of the Kingdom.*

March 2. 1641.  
Kingdom to  
be put into  
a Posture of  
Defence.

**R**esolved, &c. That the Kingdom be forthwith put into a posture of defence, by Authority of both Houses, in such a way as is already agreed upon by both Houses of Parliament.

Resolved, &c. That the Lords be desired to joyn with the House of Commons in this Vote.

Resolved, &c. That a Committee shall be appointed to prepare a Declaration upon these two Heads, viz.

*First*, To lay down the just Cause of the Fears and Jealousies given to these Houses; and to clear these Houses from any Jealousies conceived against them.

*Second*, And to consider all matters that may arise upon this Message of his Majesty, and to declare their Opinions what is fit to be done thereupon.

*An Ordinance of the Lords and Commons in Parliament assembled, for settling the Militia, for the Safety and Defence of the Kingdom of England and Dominion of Wales.*

Parliaments  
Ordinance  
for the Mili-  
tia, March  
the 5th. 1642.

**W**hereas there hath been of late a most dangerous and desperate Design upon the House of Commons, which we have just cause to believe to be an effect of the bloody Councils of Papists and other ill-affected Persons, who have already raised a Rebellion in the Kingdom of Ireland, and by reason of many Discoveries, we cannot but fear they will proceed not only to stir up the like Rebellion and Insurrections in this Kingdom of England, but also to back them with Forces from abroad.

For the Safety therefore of his Majesty's Person, the Parliament and Kingdom in this time of imminent Danger;

It is ordained by the Lords and Commons now in Parliament assembled, That Henry Earl of Holland shall be Lieutenant of the County of Berks, Oliver Earl of Bullingbrook shall be Lieutenant of the County of Bedford, William Lord Paget shall be Lieutenant of the County of Buckingham, Dudley Lord North shall be Lieutenant of the County of Cambridge and the Isle of Ely, James Lord Strange shall be Lieutenant of the County of Chester, John Lord Roberts shall be Lieutenant of the County of Cornwall, William Lord Gray of Wark, shall be Lieutenant of the County of Cumberland, John Earl of Rutland shall be Lieutenant of the County of Derby, William Earl of Bedford shall be Lieutenant for the County of Devon, and the City of the County of Exeter, Sir John Banks, Knt.

Lord



Lord Chief Justice of the *Common-Pleas*, shall be Lieutenant of the *Isle of Purbeck*, and Constable of *Corff-Castle*, in the County of *Dorset*, *William Earl of Salisbury* shall be Lieutenant of the County of *Dorset*, and the County and Town of *Pool*, *Sir Henry Vane, Senior*, shall be Lieutenant of the County *Palatine of Durham*, *Robert Earl of Warwick* shall be Lieutenant of the County of *Essex*, *George Lord Chandois* shall be Lieutenant of the County of *Gloucester*, and the County of the City of *Gloucester*, *Philip Earl of Pembroke and Montgomery* shall be Lieutenant of the County of *Southampton*, the Town and County of *Southampton* and the *Isle of Wight*, *William Earl of Salisbury* shall be Lieutenant of the County of *Hertford*, *Francis Lord Dacres* shall be Lieutenant of the County of *Hereford*, *Edward Lord Kimbolton*, shall be Lieutenant of the County of *Huntington*, *Robert Earl of Leicester* Lord-Lieutenant of *Ireland* shall be Lieutenant of the County of *Kent*, and the City and County of *Canterbury*, *Philip Lord Wharton* shall be Lieutenant of the County of *Lancaster*, *Theophilus Earl of Lincoln* shall be Lieutenant of the Parts of *Kesteven* and *Holland* within the County of *Lincoln*, and for the County of the City of *Lincoln*, *Francis Lord Willoughby of Parham* shall be Lieutenant of the Parts of *Lindsey*, within the County of *Lincoln*, *Henry Earl of Stamford* shall be Lieutenant of the County of *Leicester*, *Henry Earl of Holland* shall be Lieutenant of the County of *Middlesex*, *Henry Lord Spencer* shall be Lieutenant of the County of *Northampton*, *John Earl of Clare* shall be Lieutenant of the County of *Nottingham*, and the Town and County of *Nottingham*, *Algernoon Earl of Northumberland* Lord High Admiral of *England* shall be Lieutenant of the County of *Northumberland* and Town and County of *New-Castle upon Tyne*, and Port of *Berwick*, *Robert Earl of Warwick* shall be Lieutenant of the County of *Norfolk*, and the County and City of *Norwich*, *William Lord Viscount Say and Seal* shall be Lieutenant of the County of *Oxford*, *David Earl of Exon* shall be Lieutenant of the County of *Rutland*, *Edward Lord Littleton* Lord Keeper of the Great Seal of *England*, shall be Lieutenant of the County of *Salop*, *William Marquis of Hertford* shall be Lieutenant of the County of *Somerset*, *Robert Earl of Essex*, Lord Chamberlain of his Majesty's Household shall be Lieutenant of the County of *Stafford*, and the County of the City of *Litchfield*, *James Earl of Suffolk* shall be Lieutenant of the County of *Suffolk*, *Charles Earl of Nottingham* shall be Lieutenant of the County of *Surrey*, *Algernoon Earl of Northumberland*, Lord High Admiral of *England* shall be Lieutenant of the County of *Sussex*, *Robert Lord Brooke* shall be Lieutenant of the County of *Warwick*, and the City and County of *Coventry*, *Henry Earl of Cumberland* shall be Lieutenant of the County of *Westmorland*, *Philip Earl of Pembroke and Montgomery* shall be Lieutenant of the County of *Wilts*, *Edward Lord Howard of Escrigg* shall be Lieutenant of the County and City of *Bristol*, *Robert Earl of Essex* shall be Lieutenant of the County of *York*, the County of the City of *York*, and the Town and County of *Kingston upon Hull*, *Philip Lord Herbert* shall be Lieutenant of the County of *Monmouth*, *Algernoon Earl of Northumberland* shall be Lieutenant of the *Isle of Anglesey*, *Philip Lord Herbert* shall be Lieutenant of the County of *Brecknock*, *Richard Earl of Carbery*, in the Kingdom of *Ireland* shall be Lieutenant of the County of *Carbery*, *Richard Earl of Cardigan* in the Kingdom of *Ireland* shall be Lieutenant of the County of *Carmarthen*, *Philip Earl of Pembroke and Montgomery* shall be Lieutenant of the County of *Carnarvon*, *Basill Lord Newnham* shall be Lieutenant of the County of *Denbigh*, *Basill Lord Newnham* shall be Lieutenant of the County of *Flint*, *Philip Lord Herbert* shall be Lieutenant of the County of *Glamorgan*, *Robert Earl of Essex* shall be Lieutenant of the County of *Montgomery*, *Philip Earl of Pembroke and Montgomery* shall be Lieutenant of the County of *Merioneth*, *Edward Lord Littleton* Lord Keeper of the Great Seal of *England* shall be Lieutenant of the County of *Radnor*, *Algernoon Earl of Northumberland* shall be Lieutenant of the County of *Pembroke*, and the Town and County of *Haverford*, *West*.

And shall severally and respectively have power to assemble and call together all and singular his Majesty's Subjects, within the said several and respective Counties and Places as well within Liberties as without, that are meet and fit for the Wars, and them to train and exercise and put in readiness, and them after their Abilities and Faculties well and sufficiently from time to time to cause to be arrayed and weaponed, and to take the Muster of them in places fit for that purpose; and the aforesaid *Henry Earl of Holland*, *Oliver Earl of Bullingbrook*, *Lord Paget*, &c. shall severally and respectively have Power within



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within the severall and respective Counties and Places aforesaid, to nominate and appoint such Persons of Quality as to them shall seem meet to be their Deputy Lieutenants, to be approved of by both Houses of Parliament.

And that any one or more of the said Deputies so assigned and approved of in the absence or by the command of the said *Henry Earl of Holland, Oliver Earl of Bullingbrook, William Lord Paget, &c.* shall have power to do and execute within the said severall and respective Counties and Places to them assigned, as aforesaid, all such Powers and Authorities before in this present Ordinance contained; and the aforesaid *Henry Earl of Holland, Oliver Earl of Bullingbrook, William Lord Paget, &c.* shall have power to make Collonels, Captains, and other Officers, and to remove out of their Places, and make others from time to time, as they shall think fit for that purpose; and the said *Henry Earl of Holland, Oliver Earl of Bullingbrook, &c.* their Deputy or Deputies in their absence or by their command, shall have power to lead, conduct, and imploy the Persons aforesaid arrayed and weaponed, for the suppression of all Rebellions, Insurrections, and Invasions that may happen within the severall and respective Counties and Places: And shall have Power and Authority to lead, conduct, and imploy the Persons aforesaid arrayed and weaponed, as well within their said severall and respective Counties and Places, as within any other part of this Realm of *England* or Dominion of *Wales*, for the suppression of all Rebellions, Insurrections, and Invasions that may happen according as they from time to time, shall receive Directions from the Lords and Commons assembled in Parliament.

And be it further ordained, That Sir *John Gayre, Sir Jacob Garret, Knights, and Alderman Thomas Atkins, Alderman Sir John Wollaston, Knight, and Alderman John Warner, John Towse, Alderman, Serjeant Major-General Skippon, or any three or more of them, together with Randolph Manwaring, William Gibbs, John Fowke, James Bunce, Francis Peck, Samuel Warner, James Russel, Nathaniel Wright, William Barkley, Alexander Normington, Stephen Estwick, Owen Rowe Citizens of London, or any six or more of them, shall have such Power and Authority within the City of London, as any of the Lieutenants before named are authorized to have by this Ordinance, within the said severall and respective Counties (the nomination and appointment of Deputy-Lieutenants only excepted.) And it is further ordained, That such Persons as shall not obey in any of the Premises, shall answer their neglect and contempt, to the Lords and Commons in a Parliamentary way, and not otherwise nor elsewhere, and that every the Powers granted as aforesaid, shall continue untill it be otherwise ordered or declared by both Houses of Parliament, and no longer.*

*May it please Your Majesty,*

Declaration of  
both Houses  
presented to  
His Majesty  
at Newmarket,  
March 9, 1641.

**A**lthough the Expressions in your Majesty's Message of the 2d. of this Instant *March*, do give just Cause of Sorrow to us, your faithful Subjects, the Lords and Commons in Parliament, yet it is not without some mixture of confidence and hope, considering they proceeded from the mis-apprehension of our Actions and Intentions, which having no ground of Truth or Reality, may, by your Majesty's Justice and Wisdom be removed, when your Majesty shall be fully informed, that those Fears and Jealousies of ours, which your Majesty thinks to be causeless, and without any Just Ground, do necessarily and clearly arise from those Dangers and Distempers, into which the mischievous and evil Counsels about you have brought this Kingdom, and that those other Fears and Jealousies, by which your Favour, your Royal Presence and Confidence have been withdrawn from your Parliament, have no Foundation or Subsistence in any Action, Intention, or Miscarriage of ours, but are meerly grounded upon the Falshood and Malice of those, who, for the supporting and fomenting their own wicked Designs against the Religion, and Peace of the Kingdom, do seek to deprive your Majesty of the Strength and Affection of your People, them of your Grace and Protection, and thereby to subject both your Royal Person, and the whole Kingdom to Ruin and Destruction.

To satisfy your Majesty's Judgment and Conscience in both these Points, we desire to make a clear and free Declaration of the *Causes of our Fears and Jealousies*, which we offer to your Majesty in these Particulars;

1. That the Design of altering Religion in this, and in your other Kingdoms, hath been potently carry'd on by those in greatest Authority about you, for divers Years together, the Queen's Agent at *Rome*, and the Pope's Agent or Nuncio here,



here, are not only Evidences of this Design, but have been great Actors in it.

2. That the War with *Scotland* was procured to make way for this Intent, and chiefly invired and fomented by the Papists, and others popishly affected, whereof we have many Evidences, especially their free and general Contribution to it.

3. That the Rebellion in *Ireland* was framed and contrived here in *England*, and that the *English* Papists should have risen about the same time, we have several Testimonies and Advertisements from *Ireland*; and that it is a common Speech amongst the Rebels, wherewith concur other Evidences and Observations of the suspicious Meetings and Consultations, the tumultuary and seditious Carriage of those of that Religion in divers parts of this Kingdom, about the time of the breaking out of the *Irish* Rebellion; the Deposition of O. Conelly, the Information of Mr. Cole, Minister, the Letter of *Tristram Whitcombe*, the Deposition of *Thomas Crant*, and many others, which we may produce, do all agree in this: The publick Declaration of the Lords, Gentlemen, and others of the *Pale*, that they would joyn with the Rebels, whom they call the *Irish* Army, or any other, to recover unto his Majesty his Royal Prerogative, wrested from him by the Puritan Faction in the Houses of Parliament in *England*, and to maintain the same against all others, as also to maintain *Episcopal Jurisdiction*, and the Lawfulness thereof: These two being Quarrels, upon which his Majesty's late Army in the North should have been incensed against us.

The great Cause we have to doubt, that that late Design, stiled, *The Queen's Pious Intention*, was for the alteration of Religion in this Kingdom; for success whereof, the Pope's Nuncio, the Count *Rosetti* injoynd Fastings and Praying to be observed every Week by the *English* Papists, which appeared to us by one of the Original Letters, directed by him to a Priest in *Lancashire*.

The Boldness of the *Irish* Rebels in affirming they do nothing, but by Authority from the King; That they call themselves the *Queen's Army*; That the Prey, or Booty which they take from the *English*, they mark with the *Queen's Mark*; That their purpose was to come to *England* after they had done in *Ireland*, and sundry other things of this kind, proved by O. Conelly, and divers others, especially in the fore-mentioned Letter from *Tristram Whitcombe*, the Mayor of *Kinsale*, to his Brother *Benjamin Whitcombe*, wherein there is this Passage; That many other strange Speeches they utter about Religion and our Court of *England*, which he dares not commit to Paper.

The manifold Attempts to provoke your Majesty's late Army, and the Army of the Scots, and to raise a Faction in the City of *London*, and other parts of the Kingdom; That those who have been Actors in those businesses have had their dependence, their countenance, and encouragement from the Court; witness the Treason, whereof Mr. *Fermin* and others stand accused, who was Transported beyond-Sea, by Warrant under your Majesty's Hand, after your Majesty had given assurance to your Parliament, that your Majesty had laid a strict command upon all your Servants, that none of them should depart from Court; and that dangerous Petition delivered to Captain *Leg* by your Majesty's own Hand, accompanied with a Direction, signed with C. R.

The false and scandalous Accusation against the Lord *Kimbolton*, and the Five Members of the House of Commons, tendred to the Parliament by your Majesty's own command, endeavour'd to be justify'd in the City by your own presence and perswasion, and to be put in execution upon their Persons by your Majesty's demand of them in the House of Commons, in so terrible and violent a manner, as far exceeded all former Breaches of Privileges of Parliament acted by your Majesty or any of your Predecessors, and whatsoever your Intentions were, divers bloody and desperate Persons, which attended your Majesty, discovered their affections and resolutions to have massacred and destroy'd the Members of that House, if the absence of those Persons accused, had not, by God's Providence, stopp'd the giving of that word which they expected, for the setting them upon that barbarous and bloody Act, the Lifting of so many Officers and Soldiers, and others putting them into Pay, and under command of Collonels; feasting and caressing them in an unusual manner at *Whitehall*, thereby maintaining them in the violent Assaults, and other Injuries, which they offered to divers of your Subjects, coming that way in a lawful and peaceable manner; the carrying them out of Town, after which they were told by the Lord *Digby*, that the King removed on purpose, that they might not be trampled in the Dirt; and keeping them so long in Pay, endeavouring to engage the Gentlemen of the Inns of Court, in the same Course; the plotting and designing of a perpetual Guard about



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about your Majesty ; the labouring to infuse into your Majesty's Subjects an evil Opinion of the Parliament thorough the whole Kingdom, and other *Symptoms* of a disposition of *raising Arms*, and *dividing your People by a Civil War* ; in which combustion *Ireland* must needs be lost, and this Kingdom miserably wasted and consumed, if not wholly ruin'd and destroy'd.

That after a Vote had passed in the House of Commons, declaring, That the Lord *Digby* had appear'd in a warlike manner at *Kingston upon Thames*, to the terror and fright of your Majesty's good Subjects, and disturbance of the publick Peace of the Kingdom ; and that therefore the Lords should be moved to require his attendance, he should nevertheless be of that Credit with your Majesty *as to be sent away by your own Warrant* to Sir *John Pennington*, to land him beyond the Sea, from whence he vented his own traiterous conceptions, that your Majesty should *declare your self*, and retire to a *place of Strength* in this Kingdom, as if your Majesty could not be safe among your People ; and withal took that transcendent boldness to *write to the Queen*, offering to entertain correspondence with her Majesty by Cyphers, intimating some Service which he might do in those Parts, for which he desired your Majesty's Instructions, whereby in probability he intended the procuring of some foreign Force to strengthen your Majesty in that condition, into which he would have brought you ; which false and malicious Council and Advice, we have great Cause to doubt, made too deep an Impression in your Majesty, considering the Course you are pleased to take of absenting your self from your Parliament, and carrying the *Prince with you*, which seems to express a Purpose in your Majesty, to keep you self in a *readiness for the acting of it*.

The manifold Advertisements which we have had from *Rome, Venice, Paris*, and other Parts, that they still expect, that your Majesty has some great *Design in Hand*, for the altering of Religion, the *breaking the Neck of your Parliament*, that you will yet find means to compass that Design, that the *Pope's Nuncio* hath solicited the Kings of *France and Spain*, to lend your Majesty *four thousand Men* a-piece to help to maintain your Royalty *against the Parliament* : And this foreign Force, as it is the most pernicious and malignant Design of all the rest, so we hope it is, and shall always be farthest from your Majesty's Thoughts, because no Man can believe you will give up your People and Kingdom to be spoiled by Strangers, if you did not likewise intend to change both your own Profession in Religion, and the publick Profession of the Kingdom, that so you might still be more assured of those *Foreign States* of the Popish Religion, for your future support and defence.

These are some of the Grounds of our *Fears and Jealousies*, which made us so earnestly to implore your Royal Authority and Protection for our Defence and Security, in all the ways of Humility and Submission, which being denied by your Majesty, *seduced by evil Counsel*, we do with sorrow for the great and unavoidable Misery and Danger, which thereby is like to fall upon your own Person and your Kingdoms, apply our selves to the use of that Power, for the security and defence of both, which by the fundamental Laws and Constitutions of this Kingdom resides in us ; yet still resolving to keep our selves within the Bounds of Faithfulness and Allegiance to your Sacred Person, and your Crown ; so as to the *second sort of Jealousies and Fears* of us express'd by your Majesty, we shall give a shorter, but as true and as faithful an Answer.

Whereas your Majesty is pleased to say, that for your *Résidence near the Parliament*, you wish it might be so safe and honourable, that you had no cause to absent your self from *White-hall* ; this we take as the greatest Breach of Privilege of Parliament that can be offered, as the heaviest misery to your self and imputation upon us that can be imagined, and the most mischievous Effects of Evil Councils ; it roots up the strongest Foundation of the Safety and Honour, which your Crown affords ; it seems as much as may be to cast upon the Parliament such a Charge, as is inconsistent with the Nature of that great Council, being the Body, whereof your Majesty is the Head ; it strikes at the very Being both of King and Parliament, depriving your Majesty in your own Apprehension of their Fidelity, and them of your Protection, which are the mutual Bands and Supports of Government and Subjection.

We have, according to your Majesty's Desire, laid our Hands upon our Hearts ; we have ask'd our selves in the strictest Examination of our Consciences ; we have searched our Affections, our Thoughts ; considered our Actions, and we find none that can give your Majesty any just occasion to *absent your self from White-hall, and the Parliament* ; but that you may with more Honour and Safety continue there than in any other Place.

Your



Your Majesty lays a General Tax upon us ; if you will be graciously pleased to let us know the Particulars, we shall give a clear and satisfactory Answer ; but what hope can we have of ever giving your Majesty satisfaction, when those particulars which you have been made believe were true, yet being produced, and made known to us, appeared to be false, and your Majesty notwithstanding, will *neither punish, nor produce the Authors*, but go on to contract *new Jealousies and Fears* upon general and uncertain Grounds, affording us no means or possibility of particular Answer, to the clearing of our selves : For proof whereof, we beseech your Majesty to consider these Instances ;

The Speeches alledged to be spoken in a Meeting of divers Members of both Houses at *Kensington*, concerning a purpose of *restraining the Queen and Prince*, which after it was denied and disavowed, yet your Majesty refused to Name the Authors, tho' humbly desired by both Houses.

The Report of *Articles* framed against the *Queen's Majesty*, given out by some of near Relation to the Court ; but when it was publickly and constantly disclaimed, the Credit seemed to be withdrawn from it ; but the Authors being kept safe, will always be ready for Exploits of the same kind, wherewith your Majesty and the Queen will be often troubled, if this course be taken to cherish and secure them in such wicked and malicious Slanders.

The heavy Charge and Accusation of the Lord *Kimbolton*, and the *Five Members* of the House of Commons, who refused no Tryal or Examination, which might stand with the Privilege of Parliament ; yet no Authors, no Witnesses produced, against whom they may have reparation, for the great Injury and Infamy cast upon them ; notwithstanding three several Petitions of both Houses, and the Authority of two Acts of Parliament vouched in the last of those Petitions.

We beseech your Majesty to consider in what state you are, how easie and fair a way you have to Happiness, Honour, Greatness, Plenty, and Security ; if you will joyn with the Parliament, and your faithful Subjects, in Defence of the Religion and Publick Good of the Kingdom : This is all we expect from you, and for this we shall return to you our Lives, Fortunes, and uttermost Endeavours to support your Majesty, your just Sovereignty and Power over us, but it is not words that can secure us in these our humble Desires ; we cannot but too well, and sorrowfully remember what gracious Messages we had from you this *Summer*, when with your privity, the *bringing up the Army* was in agitation ; we cannot but with the like affections recall to our minds, how not two days before you gave directions for the above-mentioned Accusation, and your own coming to the Commons House ; that House received from your Majesty a gracious Message, that you would always have a care of their Privileges, as of your own Prerogative, of the safety of their Persons, as of your own Children. That which we expect, which will give us assurance, that you have no thought, but of Peace and Justice to your People, must be some real Effect of your goodness to them in granting those things, which the present necessity of the Kingdom doth enforce us to desire : And in the first place, that your Majesty will be graciously pleased to *put from you those wicked and mischievous Counsellors* which have caused all these Dangers and Distractions, and to continue your *own Residence*, and the Princes, *near London*, and the *Parliament*, which we hope will be a happy beginning of contentment and confidence betwixt your Majesty and your People, and be followed with many succeeding blessings of Honour and Greatness to your Majesty, and of Security and Prosperity to them.

*Additional Reasons of the Lords and Commons for his Majesty's Return to his Parliament.*

THE Lords and Commons have commanded us to present unto your Majesty this farther Addition to their former Declaration.

That your Majesty's return and continuance near the Parliament, is a matter in their apprehension of so great necessity and importance toward the preservation of your Royal Person and your Kingdoms, that they cannot think they have discharged their Duties in the single expression of their Desire, unless they add some farther Reasons to back it with.

1. Your Majesty's absence will cause men to believe, that it is out of design to discourage the Undertakers, and hinder the other Provisions, for raising money for Defence of *Ireland*.



An 1641.

2. It will very much hearten the Rebels there, and disaffected Persons in this Kingdom, as being an evidence and effect of the Jealousies and Division betwixt your Majesty and your People.

3. That it will much weaken and withdraw the Affection of the Subject from your Majesty, without which a Prince is deprived of his chiefest Strength and Lustre, and left naked to the greatest Dangers and Miseries, that can be imagined.

4. That it will invite and encourage the Enemies of our Religion, and the States in foreign Parts, to the attempting and acting their Evil Designs and Intentions toward us.

5. That it causeth a great Interruption in the Proceedings of Parliament.

These Considerations threaten so great Danger to your Majesty's Person, and to all your Dominions, that as your Majesty's great Council, they hold it necessary to represent to you this their faithful Advice, that so whatsoever followeth, they may be excused before God and Man.

His Majesty's Speech to the Committee, the 9th of March, 1641. when they presented the Declaration of both Houses of Parliament at New-market.

March 9.

**I** Am confident that you expect not I should give you a speedy Answer to this strange and unexpected Declaration; and I am sorry (in the Distraction of this Kingdom) you should think this way of Address to be more convenient, than that proposed by my Message of the 20th of January last to both Houses.

As concerning the Grounds of your Fears and Jealousies, I will take time to Answer particularly, and doubt not but I shall do it to the Satisfaction of all the World. God, in his good time, will, I hope, discover the Secrets and Bottoms of all Plots and Treasons; and then I shall stand right in the Eyes of my People. In the mean time, I must tell you, that I rather expected a Vindication for the Imputation laid on me in Master Pym's Speech, than that any more general Rumours and Discourses should get Credit with you.

For my Fears and Doubts, I did not think they should have been thought so Groundless or Trivial, while so many seditious Pamphlets and Sermons are look'd upon, and so great Tumults are remembred, unpunish'd, uninquir'd into: I still confess my Fears, and call God to Witness, that they are greater for the True Protestant Profession, my People, and Laws, than for my own Rights or Safety; tho', I must tell you, I conceive, that none of these are free from Danger.

What would you have? Have I violated your Laws? Have I denied to pass any Bill for the Ease and Security of my Subjects? I do not ask you, what you have done for me.

Have any of my People been Transported with Fears and Apprehensions? I have offered as Free and General a Pardon, as your selves can devise. All this considered, there is a Judgment from Heaven upon this Nation, if these Distractions continue.

God so deal with me and mine, as all my Thoughts and Intentions are upright for the Maintenance of the True Protestant Profession, and for the Observation and Preservation of the Laws of this Land, and, I hope, God will bless and assist those Laws for my Preservation.

As for the Additional Declaration, you are to expect an Answer to it, when you shall receive the Answer to the Declaration it self.

Some Passages that happen'd the 9th of March, between the King's Majesty, and the Committee of both Houses, when the Declaration was delivered.

**W**hen his Majesty heard that part of the Declaration, which mention'd Mr. Jermin's Transportation, his Majesty interrupted the Earl of Holland in reading, and said, *that's false*; which being afterward touch'd upon again, his Majesty then said, *'tis a Lye*; and when he was inform'd it related not to the Date, but the Execution of the Warrant; his Majesty said, *it might have been better express'd then*, and that it was a *high thing to Tax a King with breach of Promise*. As for this Declaration, his Majesty said, *I could not have believ'd, the Parliament would have sent me such a one, if I had not seen it brought by such Persons of Honour*. I am sorry for the Parliament, but glad I have it: For by that, I doubt not to satisfy my People; tho' I am confident the greater part is so already.



Ye speak of ill Councils, but I am confident, the Parliament hath had worse Informations, than I have had Councils. His Majesty asking, *what he had denied the Parliament*, the Earl of *Holland* instanced that of the Militia; his Majesty reply'd, *that was no Bill*; the Earl of *Holland* then said, *it was a necessary Request at this time*, and his Majesty also then said, *he had not denied it*.

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*What passed the next Day, when his Majesty delivered his Answer,*

Which was read by the Earl of *Holland* to the rest of the Committee, and that being done, his Lordship endeavour'd to perswade his Majesty to come near the Parliament; whereunto his Majesty answer'd, *I would you had given me Cause*; but I am sure this Declaration is not the way to it, and in all *Aristotle's Rhetorics* there is no such Argument of perswasion; the Earl of *Pembroke* thereupon telling him, *that the Parliament had humbly besought his Majesty to come near them*, as aforesaid, his Majesty reply'd, *he had learnt by their Declaration, that words were not sufficient*. His Majesty being then again moved by said Earl of *Pembroke*, to express what he would have; said, *he would whip a Boy in Westminster-School, that could not tell that by his Answer*. And farther said, they were much mistaken, if they thought his Answer of that a denial. And being also asked by the said Earl of *Pembroke*, whether the Militia might not be granted, as was desired by the Parliament for a time; his Majesty, *swore by God*, not for an hour; you have ask'd that of me in this, was never ask'd of any King, and with which I will not trust my Wife and Children.

His Majesty said the business of *Ireland* will never be done in the way that you are in, *four hundred* will never do that work, it must be put into the hands of one; if I were trusted with it, I would pawn my Head to end that work; and tho' *I am a Beggar* my self, yet (speaking with a strong Asseveration) *I can find Money for that*.

Huntington, 15 Martii, 1641.

*His Majesty's Message to both Houses of Parliament, upon his Removal to the City of York, where he intends to make his Residence.*

**H**IS Majesty being now in his Remove to his City of *York*, where he intends to make his Residence for some time, thinks fit to send this Message to both Houses of Parliament.

King's Message from  
Huntington,  
March 15.

That he doth very earnestly desire, that they will use all possible industry in expediting the business of *Ireland*, in which they shall find so cheerful a Concurrence by his Majesty, that no inconvenience shall happen to that service by his Absence; he having all that Passion for the Reducing of that Kingdom, which he hath expressed in his former Messages; and being unable by words to manifest more Affection to it, than he hath endeavour'd to do by those Messages, (having likewise done all such Acts as he hath been moved unto by Parliament.) Therefore if the Misfortunes and Calamities of his poor Protestant Subjects there shall grow upon them (tho' his Majesty shall be deeply concerned in, and sensible of their Sufferings) he shall wash his hands before all the World, from the least imputation of slackness in that most necessary and pious Work.

And that his Majesty may leave no way unattempted, which may beget a good understanding between him and his Parliament, he thinks it necessary to declare; That as he hath been so tender of the Privileges of Parliament, that he hath been ready and forward to retract any Act of his own, which he hath been informed hath Trencht upon their Privileges; so he expects an equal tenderness in them of his Majesty's known and unquestionable Privileges (which are the Privileges of the Kingdom) amongst which, he is assured it is a fundamental one, that his Subjects cannot be obliged to obey any Act, Order, or Injunction to which his Majesty hath not given his consent: And therefore he thinks it necessary to publish, that he expects, and hereby requires obedience from all his loving Subjects to the Laws established, and that they presume not upon any Pretence of Order or Ordinance (to which his Majesty is no party) concerning the Militia, or any other things to do or execute



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execute what is not warranted by those Laws; his Majesty being resolved to keep the Laws himself, and to require obedience to them from all his Subjects.

And his Majesty once more recommends to his Parliament the substance of his Message of the twentieth of *January* last, that they compose and digest with all speed, such Acts as they shall think fit, for the present and future establishment of their Privileges, the free and quiet enjoying of their Estates and Fortunes, the Liberties of their Persons, the Security of the True Religion, now professed in the Church of *England*, the maintaining his Majesty's Regal and Just Authority, and settling his Revenue; his Majesty being most desirous to take all fitting and just ways, which may beget a happy Understanding between him and his Parliament, in which he conceives his greatest Power and Riches doth consist.

*The Votes of both Houses of Parliament concerning the King's last Message, sent from Huntington to both Houses, on Wednesday the 16th of March, 1641. concerning the Militia.*

Votes upon  
the King's  
Message from  
Huntington,  
March, 16.

**R**esolved, &c. That this House shall insist upon their former Votes concerning the Militia.

Resolved, &c. That the King's Absence, so far remote from his Parliament, is not only an Obstruction, but may be a Destruction to the Affairs of *Ireland*.

Resolved, &c. That when the Lords and Commons in Parliament, which is the supreme Court of Judicature in the Kingdom, shall declare what the Law of the Land is, to have this not only questioned and controverted, but contradicted; and a command, that it should not be obeyed, is a High Breach of the Privilege of Parliament.

Resolved, &c. That a Committee shall be appointed by this House to joyn with a Committee of Lords to inquire where this Message was framed.

Resolved, &c. That those Persons that advise his Majesty to absent himself from the Parliament are Enemies to the Peace of this Kingdom, and justly suspected to be Favourers of the Rebellion in *Ireland*.

Resolved, &c. That those that advised his Majesty to this Message are Enemies to the peace of this Kingdom, and justly to be suspected to be Favourers of the Rebellion in *Ireland*.

*Several Votes Resolved upon by both Houses of Parliament, concerning the Securing of the Kingdom of England and Dominion of Wales.*

Other Votes  
touching the  
Ordinance for  
the Militia,  
and the King's  
Commissions.

**R**esolved upon the Question by the Lords in Parliament, *Nemine Contradcente*, That the Ordinance of the Lords and Commons in Parliament for the Safety and Defence of the Kingdom of *England* and Dominion of *Wales*, is not any way against the Oath of Allegiance.

Resolved, &c. That the several Commissions granted under the Great Seal to the Lieutenants of the several Counties, are illegal and void.

Resolved, &c. That whosoever shall execute any Power over the Militia of this Kingdom and Dominion of *Wales*, by colour of any Commission of Lieutenancy, without Consent of both Houses of Parliament, shall be accounted a Disturber of the Peace of the Kingdom.

*Die Martis 15. Martii, 1641.*

Resolved, &c. That the Kingdom hath been of late, and still is in so evident and imminent Danger, both from Enemies abroad, and a popish and discontented Party at home: That there is an urgent and inevitable necessity of putting his Majesty's Subjects into a posture of defence, for the safeguard both of his Majesty and his People.

That the Lords and Commons fully apprehending this danger, and being sensible of their own duty, to provide a suitable prevention; have in several Petitions addressed themselves to his Majesty for the ordering and disposing of the Militia of the Kingdom, in such a way, as was agreed upon by the Wisdom of both



both Houses to be most effectual and proper for the present exigents of the Kingdom; yet could not obtain it, but his Majesty did several times refuse to give his Royal Assent thereunto.

*Ordered*, That the House of Peers be moved to agree with the House of Commons in this Proposition.

*Resolved*, &c. That in this case of extream danger, and of his Majesty's refusal, the Ordinance agreed on by both Houses for the Militia, doth oblige the People, and ought to be obeyed by the Fundamental Laws of this Kingdom.

*Resolved*, &c. That these shall be the Heads of the Declaration:

*Resolved*, &c. That such Persons as shall be nominated Deputy-Lieutenants, and approved of by both Houses, shall receive the Commands of both Houses, to take upon them to execute their Offices.

Ordered by the Lords and Commons in Parliament, That these several Votes shall be forthwith Printed and Published.

*John Brown, Cleric. Parliament.*

*His Majesty's Declaration to both Houses of Parliament, (which he likewise recommends to the Consideration of his Loving Subjects) in Answer to that presented to him at Newmarket, 9th of March, 1641.*

**T**H O' the Declaration, lately presented to us at *Newmarket*, from both our Houses of Parliament be of so strange a nature, in respect of what we expected (after so many Acts of Grace and Favour to our People) and some Expressions in it so different from the usual Language to Princes, that we might well take a very long time to consider it; yet the Clearness and Uprightness of our Conscience to God, and Love to our Subjects hath supplied us with a speedy Answer, and our unalterable Affection to our People prevailed with us to suppress that Passion, which might well enough become us, upon such an Invitation.

We have re-consider'd our Answer of the first of this Month, at *Theobalds*, which is urged to have given just cause of Sorrow to our Subjects. Whosoever looks over that Message (which was in effect to tell us, that if we would not joyn with them in an Act we conceived prejudicial and dangerous to us, and the whole Kingdom, they would make a Law without us, and impose it upon our People) will not think that sudden Answer can be excepted to.

We have little encouragement to Replies of this nature, when we are told of how little value our words are like to be with you, tho' they come accompanied with all the Actions of Love and Justice (where there is room for Actions to accompany them) yet we cannot but disavow the having any such evil Council or Councillors to our Knowledge, as are mentioned; and if any such be discovered, we will leave them to the Censure and Judgment of our Parliament: In the mean time we could wish, that our own immediate Actions, which we avow, and our own Honour might not be so roughly censured and wounded, under that common Stile of Evil Councillors.

For our faithful and zealous Affection to the True Protestant Profession, and our Resolution to concur with our Parliament in any possible Course, for the Propagation of it, and the Suppression of Popery, we can say no more than we have already expressed in our Declaration to all our Loving Subjects, published in *Ireland*, by the Advice of our Privy-Council, in which we endeavoured to make as lively a Confession of our Self in this point, as we were able, being most assured, that the constant practise of our life hath been answerable thereunto; and therefore we did rather expect a testimony and acknowledgment of such our Zeal and Piety, than those Expressions we met with in this Declaration of any design of altering Religion in this Kingdom; and we do (out of the innocence of our Soul) wish, that the Judgments of Heaven may be manifested upon those, who have, or had any such design.

As for the *Scots* Troubles, we had well thought that those unhappy Differences had been wrapt up in perpetual silence by the Act of Oblivion, which being solemnly pass'd in the Parliaments of both Kingdoms, stops our mouth from any other Reply, than to shew our great dislike for reviving the memory thereof.

If the Rebellion in *Ireland* (so odious to all Christians) seems to have been framed

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King's Answer to the Declaration presented to him at *Newmarket*.



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framed and maintained in *England*, or to have any countenance from hence, We conjure both our Houses of Parliament, and all our Loving Subjects whatsoever to use all possible means to discover, and find such out, that we may join in the most exemplary vengeance upon them, that can be imagined; but we must think our selves highly and causelessly injured in our Reputation, if any Declaration, Action, or Expression of the *Irish* Rebels, any Letters from Count *Rosetti* to the Papists for Fasting and Praying, or from *Tristram Whitcombe*, of strange Speeches uttered in *Ireland*, shall beget any Jealousie or Misapprehension in our Subjects, of our Justice, Piety, and Affection, it being evident to all understandings, that those mischievous and wicked Rebels are not so capable of great advantage, as by having their false discourses so far believed, as to raise Fears and Jealousies to the distraction of this Kingdom, the only way to their security: And we cannot express a deeper sense of the suffering of our poor Protestant Subjects in that Kingdom, than we have done in our often Messages to both Houses, by which we have offered, and are still ready to venture our Royal Person for their Redemption; well knowing, that as we are (in our own Interest) more concerned in them, so we are to make a strict account to Almighty God, for any neglect of our Duty, or their Preservation.

For the manifold attempts to provoke our late Army, and the Army of the *Scots*, and to raise a Faction in the City of *London*, and other parts of the Kingdom; if it be said, as relating to us, we cannot without great indignation suffer our selves to be reproached, to have intended the least Force or Threatning to our Parliament, as the being privy to the bringing up of the Army would imply; whereas we call God to witness, we never had any such Thought, or knew of any such Resolution concerning our late Army.

For the Petition shewed to us by Captain *Leg*, we well remember the same and the occasion of that Conference; Captain *Leg* being lately come out of the *North*, and repairing to us at *White-hall*; we asked him of the state of our Army, and (after some relation made of it) he told us, that the Commanders and Officers of the Army had a mind to petition the Parliament, as others of our people had done, and shewed us the Copy of a Petition, which we read, and finding it to be very humble, desiring the Parliament might receive no interruption in the reformation of the Church and State, to the Model of Queen *Elizabeth's* days; we told him, we saw no harm in it; whereupon he reply'd, that he believ'd all the Officers of the Army would like it, only he thought Sir *Jacob Ashley* would be unwilling to sign it, out of fear that it might displease us. We then read the Petition over again, and then observing that neither in Matter or Form, we conceived it could possibly give just Cause of Offence, we delivered it to him again, bidding him give it to Sir *Jacob Ashley*, for whose satisfaction we had written C. R. upon it, to testify our Approbation: And we wish, that the Petition might be seen, and published, and then we believe it will appear no dangerous one, nor a just ground for the least Jealousies or Misapprehension.

For Mr. *Fermin*, it is well known, that he was gone from *White-hall*, before we received the desire of both Houses, for the restraint of our Servants, neither returned he thither, or passed over by any Warrant, granted by us after that Time.

For the Breach of Privilege in the Accusation of the Lord *Kimbolton*, and the five Members of the House of Commons, we thought we had given so ample satisfaction in our several Messages to that purpose, that it should be no more pressed against us; being confident, if the Breach of Privilege had been greater than ever before offered, our Acknowledgment and Retraction hath been greater than ever King hath given; besides the not examining how many of our Privileges have been invaded, in defence and vindication of the other; and therefore we hoped our true and earnest Protestation, in our Answer to your Order concerning the Militia, would so far have satisfied you of our Intentions then, that you would no more have entertained any imagination of any other design than we there expressed.

But why the lifting of so many Officers, and entertaining them at *White-hall* should be misconstrued, we much marvel, when it is notoriously known, the tumults at *Westminster* were so great, and their demeanors so scandalous and seditious, that we had good cause to suppose our own Person, and those of our Wife and Children to be in apparent danger, and therefore we had great reason



reason to appoint a guard about us, and to accept the dutiful tender of the services of any our loving Subjects, which was all we did to the Gentlemen of the Inns of Court.

For the Lord *Digby*, we assure you in the word of a King, that he had not our Warrant to pass the Seas, and had left our Court before we ever heard of the Vote of the House of Commons, or had any cause to imagine, that his Absence would have been excepted against.

What your Advertisements are from *Rome, Venice, Paris*, and other Parts, or what the Pope's Nuncio solicits the Kings of *France* or *Spain* to do, or from what persons such Informations come to you, or how the credit and reputation of such persons have been sifted and examined, we know not; but are confident, no sober, honest Man in our Kingdoms can believe, that we are so desperate, or so senseless, to entertain such designs, as would not only bury this our Kingdom in sudden distraction and ruin, but our own Name and Posterity in perpetual scorn and infamy; and therefore we could have wished, that in matters of so high and tender a Nature (wherewith the minds of our good Subjects must needs be startled) all the expressions were so plain and easie, that nothing might stick with them with reflection upon us, since you thought fit to publish it all.

And having now dealt thus plainly and freely with you by way of Answer to the particular grounds of your Fears; we hope (upon a due consideration, and weighing both together) you will find not the grounds to be of that moment to beget, or longer to continue a misunderstanding betwixt us, or force you to apply your selves to the use of any other Power than what the Law hath given you, the which we always intend shall be the Measure of our own Power, and expect it shall be the Rule of our Subjects Obedience.

Concerning our Fears and Jealousies; as we had no intention of accusing you, so are we sure no words spoken by us (on the sudden) at *Theobalds*, will bear that interpretation. We said for our residence near you, we wish it might be so safe and honourable, that we had no cause to absent our self from *White-hall*, and how this can be a Breach of Privilege of Parliament, we cannot understand. We explained our meaning in our Answer at *New-Market*, at the Presentation of this Declaration, concerning the Printed Seditious Pamphlets and Sermons, and the great Tumults at *Westminster*; and we must appeal to you, and all the World, whether we might not justly suppose our self in danger of either: and if we were now at *White-hall*, what security have we, that the like shall not be again; especially if any Delinquents of that Nature have been apprehended by the Ministers of Justice, and been rescued by the People, and so as yet escape unpunished? If you have not been informed of the seditious words used in, and the circumstances of those Tumults, and will appoint some way for the examination of them, we will require some of our Learned Council to attend with such Evidence as may satisfy you, and 'till that be done, or some other Course taken for our Security, you cannot (with Reason) wonder, that we intend not to be, where we most desire to be.

And can there yet want Evidence of our hearty and importunate desire to joyn with our Parliament and all our Faithful Subjects in defence of the Religion and publick Good of the Kingdom? Have we given you no other earnest but Words, to secure you of those Desires? The very Remonstrance of the House of Commons (published in *November* last) of the state of the Kingdom allows us a more real Testimony of our good Affections, than Words: That Remonstrance valued our Acts of Grace and Justice at so high a Rate, that it declared the Kingdom to be then a Gainer, though it had charged it self by Bills of Subsidies, and Poll-Money, with the Levy of 600000 *l.* besides the contracting of a Debt to our *Scotch* Subjects of 220000 *l.*

Are the Bills for the Triennial Parliament, relinquishing our Title of imposing upon Merchandize, and power of pressing Soldiers, for the taking away the Star-Chamber, and High-Commission-Courts, for the Regulating the Council-Table, but Words? Are the Bills for the Forests, the Stannary-Courts, the Clerk of the Market, and the taking away the Votes of the Bishops out of the Lords House, but Words? Lastly, What greater earnest of our Trust and Reliance on our Parliament, could, or can we give, than the passing of a Bill for the continuance of this present Parliament? The length of which, we hope, will never alter the Nature of Parliaments, and the Constitution of this Kingdom, or



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invite our Subjects so much to abuse our Confidence, as to esteem any thing fit for this Parliament to do, which were not, if it were in our Power to dissolve it to Morrow. And after all these, and many other Acts of Grace on our part (that we might be sure of a perfect Reconciliation betwixt us and all our Subjects) we have offered, and are still ready to grant a Free and General Pardon, as ample as your selves shall think fit. Now if these be not real Expressions of the Affection of our Soul, for the publick Good of our Kingdom; we must confess, that we want skill to manifest them.

To conclude, (although we think our Answer already full to that point) concerning our Return to London; we are willing to declare, that we look upon it as a matter of so great weight, as with reference to the Affairs of this Kingdom, and our own Inclinations and Desires, that if all we can say or do, can raise a mutual Confidence (the only way, with God's Blessing, to make us all happy) and by your encouragement the Laws of the Land, and the Government of the City of London may recover some life for our security, we will overtake your Desires, and be as soon with you as you can wish; and in the mean time, we will be sure, that neither the business of Ireland, or any other Advantage for this Kingdom shall suffer through our default, or by our absence; we being so far from repenting the Acts of our Justice and Grace, which we have already performed to our People, that we shall with the same Alacrity be still ready to add such new ones, as may best advance the Peace, Honour, and Prosperity of this Nation.

### To the King's most Excellent Majesty.

The Humble Petition of the Lords and Commons, Assembled in Parliament.

May it please Your Majesty,

The Parliament's Justification of their Declaration sent to His Majesty at New-Market, in a Petition presented to His Majesty at York, March the 26th 1642.

**Y**our Majesty's Loyal Subjects, the Lords and Commons in Parliament, cannot conceive, that the Declaration, which your Majesty received from us at New-Market, was such as did deserve that Censure your Majesty was pleased to lay upon us in that Speech, which your Majesty made to our Committees there, and sent in Writing to both Houses; our Address therein being accompanied with Plainness, Humility and Faithfulness, we thought more proper for the removing the Distraction of the Kingdom, than if we had then proceeded according to your Majesty's Message of the 20th. of January, by which your Majesty was pleased to desire, that we would declare what we intended to do for your Majesty, and what we expected to be done for our selves, in both which we have been very much hindered by your Majesty's Denial to secure us, and the whole Kingdom, by disposing the Militia, as we had divers times most humbly petitioned; and yet we have not been altogether negligent of either; having lately made good proceedings in preparing a Book of Rates to be passed in a Bill of Tunnage and Poundage; and likewise the most material Heads of those humble Desires, which we intended to make to your Majesty for the Good and Contentment of your Majesty and your People; but none of these could be perfected before the Kingdom be put into Safety, by settling the Militia; and until your Majesty shall be pleased to concur with your Parliament in these necessary Things, we hold it impossible for you to give the World, or your People such satisfaction concerning the Fears and Jealousies, which we have expressed, as, we hope, your Majesty hath already received touching that Exception, which you were pleased to make to Mr. Pym's Speech.

As for your Majesty's Fears and Doubts, the Ground whereof is from Seditious Pamphlets and Sermons, we shall be as careful to endeavour the Removal, as soon as we shall understand what Pamphlets and Sermons are by your Majesty intended, as we have been to prevent all dangerous Tumults: And if any extraordinary Concourse of People out of the City of Westminster, had the Face and Shew of Tumult and Danger in your Majesty's Apprehension, it will appear to be caused by your Majesty's Denial of such a Guard to your Parliament, as they might have cause to confide in; and by taking into White-hall such a Guard for your self, as gave just cause of Jealousie to the Parliament, and of Terror and Offence to your People: We seek nothing but your Majesty's Honour, and the Peace and Prosperity of your Kingdoms; and we are heartily sorry we have such plentiful matter of an Answer to that Question, Whether you had violated our Laws.

We



We beseech your Majesty to remember that the Government of this Kingdom, as it was in a great part managed by your Ministers before the beginning of this Parliament, consisted of many continued and multiplied Acts of Violation of Laws; the wounds whereof were scarcely healed, when the extremity of all those Violations was far exceeded by the late strange and unheard of breach of our Laws, in the Accusation of the Lord Kimbolton, and Five Members of the Commons House, and in the Proceedings thereupon, for which we have received no full satisfaction.

To your Majesty's next Question, whether you had denied any Bill, for the Ease and Security of your Subjects, we wish we could stop in the midst of our Answer; That with much thankfulness we acknowledge that your Majesty hath pass'd many good Bills, full of contentment and advantage to your People; but truth and necessity inforceth us to add this, that even in, or about the time of passing those Bills, some design or other hath been on foot; which, if it had taken effect, would not only have deprived us of the Fruit of those Bills, but have reduced us to a worse condition of confusion, than that wherein the Parliament found us.

And if your Majesty had asked us the third Question, intimated in that Speech, what we had done for your self; our Answer would have been much more easie, That we had paid two Armies, wherewith the Kingdom was burthened last Year; and have undergone the Charge of the War in Ireland, at this time, when through many other excessive charges and pressures, your Subjects have been exhausted, and the Stock of the Kingdom very much diminished; which great mischiefs, and the charges thereupon ensuing, have been occasion'd by the Evil Counsels, so powerful with your Majesty, which have, and will cost this Kingdom more than two Millions, all which, in justice, ought to have been born by your Majesty.

As for that free and general Pardon your Majesty hath been pleased to offer, it can be no security to our fears and jealousies, for which your Majesty seems to propound it, because they arise not from any Guilt of our own Actions, but from the Evil Designs and Attempts of others.

To this our humble Answer to that Speech we desire to add an Information, which we lately received from the Deputy-Governour of the Merchant-Adventurers at Rotterdam in Holland, That an unknown Person, appertaining to the Lord Digby, did lately sollicite one James Henely, a Mariner, to go to Elsenore, and to take Charge of a Ship in the Fleet of the King of Denmark, there prepared, which he should conduct to Hull; in which Fleet likewise, he said, a great Army was to be transported: And although we are not apt to give Credit to Informations of this Nature; yet we cannot altogether think it fit to be neglected, but that it may justly add somewhat to the weight of our Fears and Jealousies, considering with what Circumstances it is accompanied, with the Lord Digby's preceding Expressions in his Letter to her Majesty and Sir Lewis Dives, and your Majesty's succeeding course of withdrawing your self Northward from your Parliament in a manner very suitable, and correspondent to that Evil Counsel, which we doubt will make much deeper impression in the generality of your People; and therefore we most humbly advise and beseech your Majesty for the procuring and settling the confidence of your Parliament, and all your Subjects; and for the other important Reasons concerning the recovery of Ireland, and securing this Kingdom, which have been formerly presented to your Majesty; you will be graciously pleased (with all convenient speed) to return to these Parts, and to close with the Council and Desire of your Parliament, where you shall find their dutiful Affections and Endeavours ready to attend your Majesty with such Entertainment, as shall not only give your Majesty just cause of security in their faithfulness, but other manifold evidences of their earnest intentions and endeavours to advance your Majesty's Service, Honour, and Contentment, and to establish it upon the sure Foundation of the Peace and Prosperity of all your Kingdoms.

His Majesty's Answer to the Petition of both Houses of Parliament, presented to him at York, on Saturday the 26th of March, 1642. by the Lord Willoughby, Lord Dungarvan, and Sir Anthony Erby.

IF you would have had the patience to have expected our Answer to your last Declaration (which considering the Nature of it, hath not been long in coming) we believe you would have saved your selves the labour of saying much of this Message; and we could wish, that our Privileges in all parts were so stated, that this way of correspondence might be preserved with that Freedom,

King's Reply  
from York  
concerning  
the Militia,  
&c. March  
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dom, which hath been used of old ; for we must tell you, that if you may ask any thing of us by Message or Petition, and in what language (how unusual soever) you think fit, and we must neither deny the thing you ask, nor give a Reason why we cannot grant it, without being taxed with breaking your Privileges, or being counselled by those who are Enemies of the Peace of the Kingdom, and Favourers of the *Irish* Rebellion (for we have seen your printed Votes, upon our Message from *Huntington*) you will reduce all our Answers hereafter into a very little room : In plain *English*, it is to take away the Freedom of our Vote, which were we but a Subject were high Injustice ; but being your King, we leave all the World to judge what it is.

Is this the way to compose all mis-understandings ? We thought we shewed you one by our Message of the 20th of *January*, if you have a better or a readier, we shall willingly hearken to it, for hitherto you have shewed us none : But why, the refusal to consent to your Order (which you call a denial of the Militia) should be any interruption to it, we cannot understand ; for the Militia (which we always thought necessary to be settled) we never denied the thing, (as we told you in our Answer of the 28th of *January*, to the Petition of the House of Commons) for we accepted the Persons, (except for Corporations) we only denied the way : You ask it by way of Ordinance, and with such a Preface, as we can neither with justice to our Honour or Innocence consent to : You exclude us from any Power in the Disposition, or Execution of it, together with you, and for a time utterly unlimited. We tell you, we would have the thing done ; allow the persons (with that exception) desire a *Bill* (the only good old way of imposing on our Subjects) we are extremely unsatisfied what an *Ordinance* is ; but well satisfied, that without our consent it is nothing, not binding ; and it is evident by the long time spent in this Argument, the necessity and danger was not so imminent, but a *Bill* might have well been prepared ; which, if it shall yet be done with that due regard to Us and care of our People, in the limitation of the Power, and other Circumstances, we shall recede from nothing we formerly expressed in that Answer to your Order, otherwise we must declare to all the World, that we are not satisfied with, or shall ever allow our Subjects to be bound by your printed Votes of the fifteenth or sixteenth of this Month, or that under pretence of declaring what the Law of the Land is, you shall without Us make a new Law, which is plainly the Case of the Militia ; and what is this, but to introduce an Arbitrary way of Government.

Concerning *Pym's* Speech, you will have found by what the Lord *Compton*, and Mr. *Bainton* brought from us, in answer to that Message they brought to us, that as yet we rest nothing satisfied in that particular.

As for the seditious Pamphlets and Sermons, we are both sorry and ashamed in so great variety, and in which our Rights, Honour, and Authority are so insolently slighted and villified, and in which the Dignity and Freedom of Parliament is so much invaded and violated, it should be asked of us to name any ; the mentioning of the Protestation protested, the Apprentices Protestation *To your Tents, O Israel !* or any other, would be too great an Excuse for the rest : If you think them not worth your Inquiry, we have done : But we think it most strange to be told, that our denial of a Guard (which we yet never denied, but granted in another manner, and under a command at that time most accustomed in the Kingdom) or the denial of any thing else (which is in our Power legally to deny) which in our understanding (of which God hath surely given us some use) is not fit to be granted, should be any excuse for so dangerous a concourse of People ; which, not only in our Apprehension, but (we believe) in the Interpretation of the Law it self, hath been always held most Tumultuous and Seditious. And we most wonder what, and from whence come the Instructions and Informations that those People have, who can so easily think themselves oblig'd by the Protestation to assemble in such a manner for the defence of Privileges, which cannot be so clearly known to any of them, and so negligently pass over the Consideration, and Defence of our Rights so beneficial and necessary for themselves, and scarce unknown to any of them, which by their Oaths of Allegiance and Supremacy (and even by the same Protestation) they are at least equally obliged to defend. And what Interruptions such kind of Assemblies may be to the Freedom of future Parliaments (if not seasonably discour-



discountenanced and suppressed) we must advise you to consider, as likewise whether both our Powers may not by such means be usurped, by hands not trusted by the Constitution of this Kingdom. For our Guard, we refer you to our Answer to your Declaration.

By that Question of Violating your Laws; by which we endeavoured to express our Care and Resolution to observe them; we did not expect you would have been invited to have looked back so many Years, for which you have had so ample Reparation: Neither looked we to be reproached with the Actions of our Ministers (then against the Laws) whilst we express so great a Zeal for the present Defence of them, it being our Resolution, upon Observation of the mischief which then grew by Arbitrary Power (though made plausible to us by the Suggestions of necessity and imminent danger, and take you heed ye fall not into the same Error upon the same Suggestions) hereafter to keep the Rule our self, and to our Power require the same from all others: But above all, we must be most sensible of what you cast upon us for requital of those good Bills you cannot deny. We have denied any such design, and as God Almighty must judge in that point between us, who knows our upright Intentions at the passing those Laws: So in the meantime we desire the Devil to prove that there was any design (with our knowledge or privity) in or about the time of passing those Bills, that had it taken effect could have deprived our Subjects of the Fruit of them: And therefore we demand full Reparation in this point, that we may be cleared in the sight of all the World, and chiefly in the eyes of our loving Subjects, from so notorious and false an imputation as this is.

We are far from denying what you have done, for we acknowledge the Charge our People have sustained in keeping the two Armies, and in relieving *Ireland*, of the which we are so sensible, that in regard of those great Burthens our People have undergone, we have and do patiently suffer those extream personal Wants, as our Predecessors have been seldom put to, rather than we would press upon them; which we hope (in time) will be considered on your parts.

In our offer of a general Pardon, our Intent was to compose and secure the general Condition of our Subjects, conceiving that in these times of great Distractions, the good Laws of the Land have not been enough observed; but it is a strange World when Princes proffered Favours are accounted Reproaches: Yet if you like not this our offer, we have done.

Concerning any Discourses of foreign Forces, though we have given you a full Answer in ours to your last Declaration, yet we must tell you, we have neither so ill an opinion of our own merit, or the affections of our good Subjects, as to think our self in need of any foreign Force to preserve us from Oppression, (and we shall not need for any other purpose) but are confident through God's providence) not to want the good Wishes and Assistance of the whole Kingdom, being resolved to build upon that sure Foundation, the Law of the Land. We take it very ill that any general Discourses between an unknown Person and a Mariner, or Inferences upon Letters should be able to prevail in matters so improbable in themselves, and scandalous to us, for which we cannot but likewise ask Reparation, not only for the vindicating of our own Honour, but also thereby to settle the minds of our Subjects, whose Fears and Jealousies would soon vanish, were they not fed and maintained by such false and malicious Rumours as these.

For our Return to our Parliament, we have given you a full Answer in ours to your Declaration, and you ought to look on us as not gone but driven (we say not by you, yet) from you. And if it be not so easie for you to make our Residence in *London* so safe as we could desire, we are, and will be contented that our Parliament be Adjourned to such a Place, where we may be fitly and safely with you. For though we are not pleased to be at this distance, yet ye are not to expect our Presence, until ye shall both secure Us, concerning our just Apprehensions of tumultuary Insolencies, and likewise give us satisfaction for those insupportable and insolent Scandals that are raised upon us.

To conclude, as we have, or shall not refuse any way agreeable to Justice or Honour, which shall be offered to us for the begetting a right understanding between us; so we are resolved, that no straights or necessities (to which we



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‘ we may be driven) shall ever compel us to do that, which the Reason and  
 ‘ Understanding that God hath given us, and our Honour and Interest, with  
 ‘ which God hath trusted us for the good of our Posterity and Kingdoms,  
 ‘ shall render unpleasant and grievous unto us.

‘ And we assure you that (how meanly soever you are pleased to value the  
 ‘ discharge of our publick Duty) we are so conscious to our self of having  
 ‘ done our part, since this Parliament, that in whatsoever condition we now  
 ‘ stand, we are confident of the continued Protection from Almighty God,  
 ‘ and the constant Gratitude, Obedience, and Affection from our People:  
 ‘ And we shall trust God with all.

*A Message from both Houses of Parliament, sent to the King's most Excel-  
 lent Majesty at York, the 28th of March, 1642.*

*May it please your Majesty,*

**T**HE Lords and Commons in this present Parliament assembled, having  
 found it necessary to provide and set to Sea a strong and powerful Navy,  
 for the defence of this Kingdom against foreign Force, and for the security of  
 your other Dominions, the Charge whereof is to be born by the Common-  
 wealth: And taking notice of the Indisposition of the Lord Admiral, which  
 disables him at this time for commanding the Fleet in his own Person, did  
 thereupon recommend unto his Lordship the Earl of *Warwick* (a Person of  
 such Quality and Ability as in whom they might best confide) to supply his  
 Lordship's room for this Imployment. And understanding that your Majesty  
 hath since signified your pleasure concerning that command, for Sir *John Pen-*  
*nington*; we do hold it our duty, to represent to your Majesty, the great danger  
 and mischief the Common-wealth is like to sustain by such interruption. And  
 therefore do humbly beseech your Majesty that the noble Person recommended  
 by both Houses of Parliament for this Service, may no longer be detained  
 from it, out of any particular respect to any other Person whatsoever.

*To Our right, trusty, and well-beloved Counsellour, Edward Lord Littleton,  
 Keeper of Our Great Seal of England.*

‘ **R**ight, trusty, and well-beloved Counsellour, we greet you well: We  
 ‘ wonder both at the form and matter of that inclosed Paper, ye sent us  
 ‘ (in the name of both Houses of Parliament; in yours of the 28th of *March*)  
 ‘ it being neither by way of Petition, Declaration, or Letter; and for the  
 ‘ matter, we believe it is the first time that the Houses of Parliament have taken  
 ‘ upon them the Nomination or Recommendation of the chief Sea Comman-  
 ‘ der; but it adds to the wonder, that Sir *John Pennington* being already appoint-  
 ‘ ed by us for that Service, upon the Recommendation of our Admiral (which  
 ‘ is so well known, that none can be ignorant of it) and no fault so much as  
 ‘ alledged against him, another should be recommended to us; therefore our  
 ‘ Resolution upon this Point, is, that we will not alter him, whom we have  
 ‘ already appointed to command this Year's Fleet, whose every way sufficien-  
 ‘ cy is so universally known, the which we are confident our Admiral (if there  
 ‘ shall be occasion) will make most evident, (against whose Testimony, we  
 ‘ suppose, our Parliament will not except.) And though there were yet none  
 ‘ appointed, or the said Sir *John* (through some accident) not able to perform  
 ‘ the Service, yet the Men of that Profession are so well known to us (besides  
 ‘ many other Reasons) that (our Admiral excepted because of his Place) Re-  
 ‘ commendations of that kind would not be acceptable to us.

*Given at Our Court at York, the last of March, 1642.*

*A Question answered: How Laws are to be understood, and Obedience yielded:  
 Necessary for the present State of things, touching the Militia.*

A Question  
 concerning  
 the Militia,  
 April the 22d.  
 1642.

**N**OW in our extream Distractions, when foreign Forces threaten, and  
 probably are invited, and a malignant and popish Party at Home of-  
 fended; the Devil hath cast a Bone, and raised a Contestation between the  
 King and Parliament touching the Militia. His Majesty claims the disposing of  
 it



it to be in him by the Right of Law; the Parliament saith, *Rebus sic stantibus, & nolente Rege*, the ordering of it is in them?

Which Question may receive its solution by this distinction: That there is in Laws an equitable and a literal Sense. His Majesty (let it be granted) is intrusted by Law with the Militia; but it's for the good and preservation of the Republick against Foreign Invasions, and Domestick Rebellions: For it cannot be supposed, that the Parliament would ever by Law intrust the King with the Militia against themselves, or the Common-wealth, that intrusts them to provide for their Weal, not for their Woe. So that when there is certain Appearance, or grounded Suspicion, that the Letter of the Law shall be improved against the equity of it (that is, the publick Good, whether of the Body real or representative) then the Commanders going against its equity, gives liberty to the Commanded to refuse Obedience to the Letter, for the Law taken Abstract from its Original Reason and End, is made, a Shell without a Kernel, a Shadow without a Substance, and a Body without a Soul. It is the Execution of Laws according to their Equity and Reason, which (as I may say) is the Spirit that gives Life to Authority, the Letter kills.

Nor need this equity be expressed in the Law, being so naturally imply'd and supposed in all Laws, that are not meerly imperial, from that Analogy, which all Bodies Politick hold with the Natural, whence all Government and Governours hold a proportionable respect: And therefore when the Militia of an Army is committed to the General, it is not with any express Condition, that he shall not turn the Mouths of Cannons against his own Soldiers; for that is so naturally and so necessarily imply'd, that it's needless to be express'd, inasmuch, as if he did attempt, or command such a thing against the Nature of his Trust and Place, it did, *ipso facto*, estate the Army in a right of Disobedience; except we think, that Obedience binds Men to cut their own Throats, or at least their Companions.

And indeed, if this distinction be not allow'd, then the legal and mix'd Monarchy is the greatest Tyranny; for if Laws invest the King in an Absolute Power, and the Letter be not comptrolled by the Equity; then, whereas other Kings that are Absolute Monarchs, and Rule by Will, and not by Law, are Tyrants perforce: Those that Rule by Law, and not by Will, have hereby a Tyranny conferr'd upon them Legally, and so the very end of Laws, which is to give bounds and limits to the exorbitant Wills of Princes, is by the Laws themselves disappointed; for they hereby give corroboration (and much more justification) to an Arbitrary Tyranny, by making legal, not assumed, what Laws were ordained to cross, not to countenance; and therefore is the Letter (where it seems Absolute) always to receive Qualification from the Equity, else the aforesaid Absurdity must follow.

*His Majesty's Message to the House of Peers, concerning the foregoing Paper.*

**H**IS Majesty having seen a printed Paper, intituled, *A Question answered, How Laws are to be understood, and Obedience yielded* (which Paper he sends together with this Message) thinks fit to recommend the consideration of it to his House of Peers, that they may use all possible care and diligence for the finding out the Author, and may give directions to his learned Council, to proceed against him and the Publishers of it, in such a way as shall be agreeable to Law, and the course of Justice, as Persons who endeavour to stir up Sedition against his Majesty. And his Majesty doubts not but they will be very sensible how much their own particular Interest (as well as the publick Government of the Kingdom) is, and must be shaken, if such License shall be permitted to bold factious Spirits, to withdraw his Subjects strict Obedience from the Laws established, by such Seditious and Treasonable Distinctions; and of Doctrines of this Nature. His Majesty doubts not but that their Lordships will publish their great dislike, it being grown into frequent Discourse, and vented in some Pulpits (by those desperate turbulent Preachers, who are the great Promoters of the Distempers of this time) *That humane Laws do not bind the Conscience*, which being once believed, the Civil Government and Peace of the Kingdom will be quickly dissolved. His Majesty expects a speedy Account of their Lordships exemplary Justice upon the Authors and Publishers of this Paper.

I do not find any Answer returned to this Message.

The

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The Answer.

King's Message touching that Paper, April the 22d. 1642.



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The two Houses had drawn up and passed a Bill for settling the Militia, much to the same Purport as their Ordinance, and sent the same to his Majesty, desiring his Royal Assent thereunto, he refused, and gave his Reasons in the following Message,

*His Majesty's Message to both Houses of Parliament, April 28, 1642. concerning his Refusal to Pass the Bill for the Militia.*

King's Message April 28, 1642. of Reasons for denying to pass the Bill for settling the Militia.

WE have with great Deliberation and Patience weighed and considered (it concerning us much, to weigh the Consequences of every Law before we pass it) your Bill lately sent to us, for the settling of the Militia; and tho' it hath not been usual to give any Reason for our Refusal to pass any Bill (it being absolutely in our power to pass, or not pass any Act sent unto us by you (if we conceive it prejudicial to our self, or inconvenient for our Subjects, for whom we are trusted, and must one day give an Account;) yet in this business of the Militia, which being mis-understood amongst our good Subjects, hath been used as an Argument, as if we were not vigilant enough for the publick safety: And lest we should be thought less constant in our Resolutions, and this Bill to be the same we sent unto you; we have thought fit to give you, and all the World particular Satisfaction, why we must not, ought not, cannot pass this Bill, being the first publick Bill, to our remembrance, we have refused this Parliament; and therefore we must complain, that having expressed our self so clearly, and particularly to you in this point, you should press any thing upon us, which you could not but foresee, that we must refuse, except we departed from those Resolutions, grounded upon so much Reason, which he had so earnestly before acquainted you with, and against which you have not given one Argument to satisfy our Judgment.

We are pleased, that you have declined the unwarrantable course of your Ordinance (to the which we are confident our good Subjects would never have yielded consent) and chosen this only right way of imposing on our People, which we would have allowed, but for the reasons hereafter mentioned.

We refused to consent to your Ordinance, as for other things, so, for that the power was put into the Persons nominated therein by direction of both Houses of Parliament, excluding us from any power in the disposition or execution of it together with you. We then advised you for many Reasons, that a Bill should be prepared, and after, in our Answer of the 26th of March last, to the Petition of both Houses, we told you, if such a Bill should be prepared with that due regard to us, and care of our People in the limitation of the power, and other circumstances, we should recede from nothing we formerly expressed.

What passed (enough to have discouraged us from being farther solicitous in that Argument) after our full and gracious Answers, we are content to forget. When we resolved of our Journey into Ireland (so that by reason of our absence, there might be no want of settling that Power) besides complying with your Fears, we sent, together with a Message of that our purpose, a Bill for the settling that Power for a year, hoping in that time to return to you; and being sure, that in much less time you might do the business, for which you seemed at first to desire this, which was, that you might securely consider our Message of the 20th of January last. By that Bill we consented to those Names which were proposed in your Ordinance, and in the limitation of the Power; provided, that our self should not be able to execute any thing but by your advice; and when we should be out of the Kingdom, the sole execution to be in you; with many other things of so arbitrary and uncircumscribed a Power, that we should not have consented to, but with reference to the absence of our own Person out of the Kingdom, and thought it the more sufferable, in respect the time was but for a year. Whether this be the Bill you have now sent us to pass, let all the World judge.

You have by this Bill now tender'd to us (without taking notice of us) put the power of the whole Kingdom, the Life and Liberties of the Subjects of all degrees and qualities, into the hands of particular men for two years. Can you imagine we will trust such an absolute Power in the hands of particular persons which we refused to commit to both Houses of Parliament? Nay, is not the Power it self too Absolute, too Unlimited to be committed to any private hands.



hands? Hath not Sir *John Hotbam's* high insolence shewed us, what we may expect from an exorbitant Legal Power, when he by a power not warranted by Law, dares venture upon a Treasonable Disobedience? But we would willingly know (and indeed such an Account in ordinary civility we might have expected) why we are by this Act absolutely excluded from any Power or Authority in the execution of this Militia. Sure your Fears and Jealousies are not of such a nature, as are capable of no other Remedy, than by leaving us no power in a point of the greatest importance, in which God, and the Law hath trusted us solely, and which we were contented to share with you by our Bill, by putting it, and a greater into the hands of particular Subjects? What would all Christian Princes think of us, after we had passed such a Bill? How would they value our Sovereignty? And yet sure our Reputation with Foreign Princes is some ground of your Security: Nay, we are confident, by that time you have thoroughly consider'd the possible consequence of the Bill upon your selves, and the rest of our good Subjects, you, and they, will give us Thanks for not consenting to it, finding their condition (had it passed) not to have been so pleasing unto them. We hope this Animadversion will be no Breach of your Privileges in this throng of Business, and distemper of Affections; 'tis possible that second Thoughts may present something to your Consideration, which escaped you before.

We passed, this Parliament, at your entreaty, a Bill concerning the Captives of *Algier*, and waved many Objections of our own to the contrary, upon Information that the Business had been many months consider'd by you. Whether it prove suitable to your intentions, or whether you have not by some private order suspended that Act of Parliament upon view of the mistakings, you best know: As likewise, what other great Alterations you have made in other Bills passed this Session. We cannot pass over the putting their Names out of this Bill, whom before you recommended to us in your Ordinance, it seems, not thinking fit to trust those, who would obey no guide, but the *Law of the Land*. (We imagine you would not wish, we should in our estimation of others follow that your Rule) and the leaving out, by special Provision, the present Lord-Mayor of *London*, as a Person in your disfavour; whereas we must tell you, his demeanour hath been such, that the City, and the whole Kingdom is beholding to him for his Example.

To conclude, We do not find our self possessed with such an excess of Power, that it is fit to transfer, or consent it should be in other persons, (as is directed by the Bill) and therefore we shall rely upon that Royal Right and Jurisdiction, which God, and the Law hath given us, for the suppressing of Rebellion, and resisting Foreign Invasion, which hath preserved this Kingdom in the time of all our Ancestors, and which, we doubt not, but we shall be able to execute; and not more for our own Honour and Right, than for the Liberty and Safety of our People, we cannot consent to pass this Bill.

*The Declaration of the Lords and Commons in Parliament Assembled, concerning His Majesty's last Message about the Militia.*

THE Lords and Commons holding it necessary, for the peace and safety of this Kingdom, to settle the Militia thereof, did, for that purpose, prepare an Ordinance of Parliament, and with all Humility did present the same to his Majesty for his Royal Assent; who, notwithstanding the faithful Advice of his Parliament, and the several Reasons offer'd by them of the necessity thereof, for the securing of his Majesty's Person, and the peace and safety of his People, did refuse to give his Consent; and thereupon they were necessitated, in discharge of the Trust repos'd in them, as the Representative Body of the Kingdom; to make an Ordinance, by Authority of both Houses, to settle the Militia, warranted thereunto by the Fundamental Laws of the Land: His Majesty taking notice thereof, did by several Messages invite them to settle the same by Act of Parliament; affirming in his Majesty's Message sent in Answer to the Petition of both Houses, presented to his Majesty at *York*, *March* 26. That he always thought it necessary the same should be settled, and that he never deny'd the thing, only deny'd the way; and for the matter of it, took exceptions only to the Preface, as a thing not standing with his Honour to consent to, and that himself was excluded in the Execution, and for a time unlimited:

E e e e

Whereupon

May 5, 1642.  
The Parliament's Answer.



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Whereupon the Lords and Commons being desirous to give his Majesty all Satisfaction that might be, even to the least Tittle of Form and Circumstance; and when his Majesty was pleased to offer them a *Bill* ready drawn, did, for no other cause, than to manifest their hearty Affection to comply with his Majesty's Desires, and obtain his Consent, entertain the same; in the meantime no way declining their Ordinance, and to express their earnest Zeal to correspond with his Majesty's Desire (in all things that might consist with the peace and safety of the Kingdom, and the trust reposed in them) did pass *that Bill*, and therein omitted the Preamble inserted before the Ordinance, limited the time to less than two years, and confined the Authority of the Lieutenants to these three particulars, namely, *Rebellion, Insurrection, and Foreign Invasion*, and returned the same to his Majesty for his Royal Assent: But all these Expressions of Affection and Loyalty, all those Desires and earnest Endeavours to comply with his Majesty, hath (to their great grief and sorrow) produced no better effect than an absolute denial, even of that which his Majesty by his former Messages, as we conceive, had promised; the Advice of evil and wicked Councils, receiving still more credit with him, than that of his Great Council of Parliament, in a matter of so high importance, that the safety of his Kingdom, and the peace of his People depends upon it. But now, what must be the exceptions to this Bill? Not any, sure, that were to the Ordinance; for a care was taken to give satisfaction in all these Particulars. Then the exception was, because that the disposing and execution thereof was referred to both Houses of Parliament, and *his Majesty Excluded*; and now that by *the Bill* the power and execution is ascertain'd, and reduced to particulars, and the Law of the Realm made the Rule thereof; his Majesty will not trust *the Persons*. The power is *too great*, too unlimited to trust them with. But what is that power? Is it any other, but in express terms to suppress Rebellion, Insurrection, and Foreign Invasion? And who are those Persons? Are they not such as were nominated by the Great Council of the Kingdom, and assented to by his Majesty? And is it too great a power to trust those persons with the suppression of Rebellion, Insurrection, and Foreign Invasion? Surely the most wicked of them that advised his Majesty to this Answer, cannot suggest but that it is necessary for the safety of his Majesty's Royal Person, and the peace of the Kingdom, such a power should be put in some hands, and there is no pretence of exception to the persons; his Majesty for the space of above fifteen years together, thought not a power, far exceeding this, to be too great to intrust *particular Persons* with, to whose Will the Lives and Liberties of his People by *Martial Laws* were made subject; for such was the power given to *Lord Lieutenants and Deputy Lieutenants* in every County of this Kingdom, and that without the consent of his People, or authority of Law; but now in case of extream necessity, upon Advice of *both Houses* of Parliament for no longer space than *two years*, a *lesser* power, and that for the safety of the King and People *is thought too great* to trust particular persons with, though named by both Houses of Parliament, and approved of by his Majesty himself: And surely, if there be a necessity to settle the Militia (which his Majesty was pleased to confess) the persons cannot be trusted with *less* power than this, to have it at all effectual: And the Precedents of former Ages, when there happened a necessity to raise such a power, never streightened that power to a narrow compass; witness the *Commissions of Array* in several Kings Reigns, and often issued out by the Consent and Authority of Parliament. The Lords and Commons therefore intrusted with the safety of the Kingdom, and peace of the People (which they call God to witness is their only aim) finding themselves denied these their so necessary and just Demands, and that they can never be discharged before God and Man, if they should suffer the safety of the Kingdom, and peace of the People to be exposed to the malice of the malignant Party at home, or the fury of Enemies from abroad: And knowing no other way to encounter the imminent and approaching danger, but by putting the People into a fit posture of defence, do resolve to put their said Ordinance in present execution, and do require all persons in Authority, by virtue of the said Ordinance, forthwith to put the same in execution, and all others to obey it, according to the Fundamental Laws of the Kingdom in such Cases, as they tender the upholding of the True Protestant Religion, the safety of his Majesty's Person, and his Royal Posterity, the peace of the Kingdom, and the being of this Commonwealth.

Fovis



Jovis 5. Maii, 1642.

Ordered by the Lords and Commons Assembled in Parliament, That this Declaration shall be forthwith Printed and Published.

Joh. Brown, Cler. Parliament.

His Majesty's Answer, by way of Declaration, to a Printed Paper, intituled, A Declaration of both Houses of Parliament, in Answer to His Majesty's last Message concerning the *Militia*.

**W**E very well understand how much it is below the High and Royal Dignity (wherein God hath placed Us) to take notice, much more to trouble our self with answering those many Scandalous, Seditious Pamphlets, and Printed Papers, which are scattered with such great License throughout the Kingdom (notwithstanding our earnest Desire so often, in vain, pressed for a Reformation) tho' we find it evident, that the Minds of many of our weak Subjects have been, and still are poisoned by those Means, and that so general a Terror hath possessed the Minds and Hearts of all Men, that while the Presses swarm (and every Day produceth new Tracts against the Established Government of the Church and State) most Men want the Courage, or the Conscience to Write, or the Opportunity, and Encouragement to publish such composed, sober Animadversions, as might either preserve the Minds of our good Subjects from such Infection, or restore and recover them, when they are so infected; but we are contented to let our Self fall to any Office that may undeceive our People, and to take more Pains this Way by our own Pen, than ever King hath done, when we find any Thing that seems to carry the Authority, or Reputation of either, or both Houses of Parliament, and will not have the same Refuted or Disputed by common and vulgar Pens, 'till we are thoroughly informed, whether those Acts have in Truth that Countenance and Warrant they pretend, which Regard of ours, we doubt not, but in Time will recover that due Reverence (the Absence whereof we have too much Reason to complain of) to our Person, and our Messages, which in all Ages hath been paid (and no doubt is due) to the Crown of England.

We have therefore taken notice of a Printed Paper, intituled, A Declaration of both Houses of Parliament, in Answer to our last Message concerning the Militia, published by Command; the which we are unwilling to believe (both for the Matter of it, the Expressions in it, and the Manner of Publishing it) can result from the Consent of both Houses; neither do we know by what lawful Command such uncomely, irreverent Mention of Us can be published to the World. And though Declarations of this kind have of late (with too much Boldness) broken in upon Us and the whole Kingdom, when one or both Houses have thought fit to Communicate their Councils and Resolutions to the People; yet we are unwilling to believe that such a Declaration as this, should be published in Answer to our Message, without vouchsafing at least to send it to Us as their Answer. Their Business for which they are met by our Writ and Authority, being to Council Us for the Good of our People, not to Write against Us to our People, and no Consent of ours for their long continuing together, enabling them to do any Thing, but what they were first summoned by our Writ to do: At least we will believe, though Misunderstanding and Jealousie (the Justice of God will overtake the Fomenters of that Jealousie, and the Promoters and Contrivers of that Misunderstanding) might produce (to say no worse) those very untoward Expressions, that if those Houses had contrived that Declaration, as an Answer to our Message, they would have vouchsafed some Answer to the Question proposed in ours; which we professed did, and must evidently prevail over our Understanding; and in their Wisdom and Gravity, they would have been sure to have stated the Matters of Fact, as (at least to ordinary Understandings) might be unquestionable; neither of which is done by that Declaration.

We desire to know why we were by that Act absolutely excluded from any Power, or Authority in the Execution of the Militia, and we must appeal to all the World, whether such an Attempt be not a greater and juster Ground for Fear and Jealousie in Us, than any one that is avowed for those Destructive Fears and Jealousies, which are so publickly own'd, almost to the Ruin of the Kingdom. But we have been told, That we must not be jealous of our great Council of both Houses of Parliament; We

King's Reply  
to the Parli-  
aments Decla-  
ration of 5.  
May, about  
the Militia.



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are not, no more than they are of Us, their King; and as hitherto they have not avowed any Jealousie of, or Disaffection to our Person; imputed all to our Evil Counsellors, to a malignant Party that are not of their Minds: So we do (and we do it from our Soul) profess no Jealousie of our Parliament, but some Turbulent, Seditious, and Ambitious Natures, which (being not so clearly discerned) may have an Influence, even upon the Actions of both Houses: And if this Declaration hath passed by such consent (which we are not willing to believe) it is not impossible, but that the Apprehension of such Tumults, which have driven Us from the City of London, for the Safety of our Person, may make such an Impression in other Men (not able to remove from the danger) to make their Consent, or not to own a Dissent in Matters not agreeable to their Conscience or Understanding.

We mentioned in that our Answer, our dislike of the putting of their Names out of the Bill, whom before they recommended to Us in their pretended Ordinance, and the leaving out, by special Provision, the present Lord Mayor of London, to all which the Declaration affords no Answer to that our Message, and therefore we cannot suppose it was intended for an Answer to that our Message; which whosoever looks upon, will find to be in no Degree answered by that Declaration.

But it informs all our Subjects, after the mention with what Humility the Ordinance was prepared, and presented to Us, (a Matter very evident in the Petitions and Messages concerning it) and our Refusal to give our Consent, notwithstanding the several Reasons offered of the necessity thereof, for the securing of our Person, and the peace and safety of our People (whether any such Reasons were given, the weight of them, and whether they were not clearly and candidly answered by Us, the World will easily judge) that they were at last necessitated to make an Ordinance by Authority of both Houses to settle the Militia, warranted thereunto by the Fundamental Laws of the Land: But if that Declaration had indeed intended to have answered Us, it would have told our good Subjects what those Fundamental Laws of the Land are, and where to be found; and would at least have mentioned one Ordinance from the first beginning of Parliaments to this present Parliament, which endeavoured to impose any Thing upon the Subject without the King's Consent; for of such, all the Inquiry we can make could never produce Us one Instance: And if there be such a Secret of the Law, which hath lain hid from the Beginning of the World to this Time, and now is discovered to take away the just, Legal Power of the King, we wish there be not some other Secret (to be discovered when they please) for the Ruin and Destruction of the Liberty of the Subject: For no doubt, if the Votes of both Houses have any such Authority to make a new Law, it hath the same Authority to repeal the old, and then what will become of the long Established Rights and Liberties of the King and Subject, and particularly of Magna Charta, will be easily discerned by the most ordinary Understanding.

It is true, we did (out of the Tenderness of the Constitution of the Kingdom, and Care of the Law which we are bound to defend, and being most assured of the Unjustifiableness of the pretended Ordinance) invite and desire both our Houses of Parliament, to settle whatsoever should be fit of that Nature by Act of Parliament; but were we therefore obliged to pass whatsoever should be brought to Us of that kind? We did say in our Answer to the Petition of both Houses, presented to Us at York, the 26th of March last, (and we have said the same in other Messages before) That we always thought it necessary the Business of the Militia should be settled, and that we never deny'd the Thing, only deny'd the Way; and we say the same still, since the many Disputes and Votes upon Lord Lieutenants and their Commissions (which were begun by Us, or our Father) had so discountenanced that Authority, which for many Years together was happily looked upon with Reverence and Obedience by the People: We did, and do think it very necessary, that some wholesome Law be provided for that Business; but we declared in our Answer to the pretended Ordinance, we expected, that that necessary Power should be first invested in Us, before we consented to transfer it to other Men: Neither could it ever be imagined, that we could consent that a greater Power should be in the Hands of a Subject, than we were thought worthy to be trusted with our Self. And if it shall not be thought fit to make a new Act or Declaration in this Point, we doubt not, but we shall be able to grant such Commissions, which shall very legally enable those we trust, to do all Offices for the Peace and Quiet of the Kingdom, if any Disturbance shall happen.

But that Declaration saith, we were pleased to offer them a Bill ready drawn; and that they (to express their earnest Zeal to correspond with our Desire) did pass that Bill; yet all that Expression of Affection and Loyalty; all that earnest Desire

of



of theirs to comply with Us, produced no better Effect than an absolute Denial, even of what by our former Messages (as that Declaration conceives) we had promised; and so proceeds (under the Pretence of mentioning evil and wicked Councils) to Censure and Reproach Us in a Dialect, that we are confident our good Subjects will read with much Indignation on our behalf. But sure, if that Declaration had passed the Examination of both Houses of Parliament, they would never have affirmed that the Bill we refused to pass was the same we sent to them, or have thought that our Message, wherein the Difference and Contrariety between the two Bills is so particularly set down, would be answered with the bare averring them to be one and the same Bill; no more would they have declared (when our exceptions to the Ordinance and the Bill are so notoriously known to all our People) that Care being taken to give Satisfaction in all the Particulars we had excepted against in the Ordinance, we had found new Exceptions to the Bill: And yet this very Declaration confesses, that our Exception to the Ordinance was, that in the Disposing and Execution thereof we were excluded; and was not this an Express Reason in our Answer for Refusal of the Bill, which this Declaration will needs confute? But the Power was no other than to suppress Rebellion, Insurrection, and Foreign Invasion; and the Persons trusted no other than such as were nominated by the Great Council of the Kingdom, and assented to by Us; and that Declaration asks, if that be too great a Power to trust these Persons with? Indeed, while so great Liberty is used in Voting, and Declaring Men to be Enemies to the Commonwealth, (an English Phrase we scarcely understand) and in Censuring Men for their Service and Attendance upon our Person, and in our Lawful Commands, great heed must be taken into what Hands we commit such a Power to suppress Insurrection and Rebellion: And if Insurrection and Rebellion have found other Definitions, than what the Law hath given them, we must be sure that no Lawful Power shall justify those Definitions; and if there be Learning found out to make Sir John Hotham's taking Arms against Us, and keeping our Town and Fort from Us, no Treason and Rebellion, we know not whether a new Discovery may not find it Rebellion in Us to defend our Self from such Arms, and to endeavour to recover what is so taken from Us; and therefore it concerns Us (till the known Law of the Land be allowed to be Judge between Us) to take heed into what hands we commit such Power: Besides, can it be thought, that because we are willing to trust certain Persons, that we are obliged to trust them in whatsoever they are willing to be trusted? We say, no private Hands are fit for such a Trust, neither have we departed from any Thing (in the least Degree) we offered, or promised before; tho' we might with as much Reason have withdrawn our Trust from some Persons we before had accepted, as they did from others whom they recommended. For the Power which we are charged to have committed to particular Persons, for the Space of Fifteen Years by our Commissions of Lieutenancy; it is notoriously known, that it was not a Power created by Us, but continued very many Years, and in the most happy Times this Kingdom hath enjoyed; (even those of our renowned Predecessors Queen Elizabeth, and our Father of Happy Memory) and whatever Authority was granted by those Commissions, which were kept in the old Forms, the same was determined at our Pleasure; and we know not, that they produced any of those Calamities, which might give our good Subjects cause to be so weary of them, as to run the Hazard of so much Mischief, as that Bill we refused might possibly have produced.

For the Precedents of former Ages in the Commissions of Array, we doubt not, but when any such are issued out, that the King's Consent was always obtained, and the Commissions determinable at his Pleasure, and then what the Extent of Power was, will be nothing applicable to this Case of the Ordinance.

But whether that Declaration hath refuted our Reasons for our Refusal to pass the Bill, or no, it hath Resolved, and Required all Persons in Authority, thereby to put the Ordinance in present Execution, and all others to obey it, according to the Fundamental Laws of the Land. But we, whom God hath trusted to maintain and defend those Fundamental Laws (which, we hope, he will bless to secure Us) do declare, that there is no Legal Power in either, or both Houses, upon any Pretence whatsoever, without our Consent, to Command any Part of the Militia of this Kingdom; nor hath the like ever been commanded by either, or both Houses, since the first Foundation of the Laws of the Land; and that the Execution of, or the Obedience to that pretended Ordinance is against the Fundamental Laws of the Land, against the Liberty of the Subject, and the Right of Parliaments, and a high Crime in any that shall henceforth execute the same. And we do therefore Charge and Command all our Loving Subjects, of what Degree or Quality soever, upon their Allegiance, and as they tender the  
Peace



An 1641.

Peace of this Kingdom, from henceforth, not to Muster, Levy, Array, Summon, or Warn any of our Train'd-Bands to Rise, Muster, or March by Virtue, or under Colour of that pretended Ordinance. And to this Declaration and Command of Ours, We expect and require a full Submission and Obedience from all our Loving Subjects, upon their Allegiance, as they will answer the contrary at their Perils; and as they tender the Upholding of the True Protestant Religion, the Safety of Our Person, and Our Royal Posterity, the Peace and Being of this Kingdom.

By the KING.

A Proclamation, forbidding all His Majesty's Subjects belonging to the Train'd-Bands, or Militia of this Kingdom, to Rise, March, Muster, or Exercise, by Virtue of any Order or Ordinance of one, or both Houses of Parliament, without Consent or Warrant from His Majesty, upon Pain of Punishment according to the Laws.

May 27, 1642.  
King's Proclamation  
against the  
Militia's be-  
ing raised  
by the Par-  
liament.

Whereas by the Statute made in the 7th. Year of King Edward the First, the Prelates, Earls, Barons, and Commonalty of the Realm affirmed in Parliament, That to the King it belongeth, and his Part it is, by his Royal Seigniorie, straightly to defend wearing of Armour, and all other Force against the Peace, at all Times, when it shall please him, and to punish them, which shall do contrary, according to the Laws and Usages of the Realm, and hereunto all Subjects are bound to aid the King, as their Sovereign Lord, at all Seasons, when need shall be. And whereas We understand, that expressly contrary to the said Statute, and other good Laws of this our Kingdom, under Colour and Pretence of an Ordinance of Parliament without Our Consent, or any Commission or Warrant from Us, the Train'd-Bands and Militia of this Kingdom have been lately, and are intended to be put in Arms, and drawn into Companies in a Warlike manner, whereby the Peace and Quiet of our Subjects is, or may be Disturbed; We being desirous by all Gracious and fair Admonitions to prevent, that some Malignant Persons in this our Kingdom, do not by Degrees seduce our good Subjects from their due Obedience to Us, and the Laws of this our Kingdom, subtilly endeavouring by a general Combustion or Confusion to hide their mischievous Designs and Intentions against the Peace of this our Kingdom, and under a specious Pretence of putting our Train'd-Bands into a Posture, draw and engage our good Subjects into a Warlike Opposition against Us, as our Town of Hull is already, by the Treason of Sir John Hotham, who at first pretended to put a Garrison into the same, only for our Security and Service.

We do therefore by this our Proclamation expressly Charge and Command all our Sheriffs, and Collonels, Lieutenant Collonels, Serjeant-Majors, Officers, and Soldiers belonging to the Train'd-Bands of this our Kingdom, and likewise all High and Petty Constables, and other our Officers and Subjects whatsoever upon their Allegiance, and as they tender the Peace of this our Kingdom, not to Muster, Levy, Raise, or March, or to Summon or Warn upon any Warrant, Order, or Ordinance from one, or both Houses of Parliament (whereto we have not, or shall not give our express Consent) any of our Train'd-Bands, or other Forces to Rise, Muster, March, or Exercise, without express Warrant under our Hand, or Warrant from our Sheriff of the County, grounded upon a particular Writ to that Purpose, under our Great Seal. And in case any of our Train'd-Bands shall raise, or gather together, contrary to this our Command, We shall then call them in due Time to a strict Account, and proceed Legally against them as Violaters of the Laws, and Disturbers of the Peace of the Kingdom.

Given at our Court at York, the 27th Day of May, 1642.

GOD Save the KING.



*A Declaration of the Lords and Commons in Parliament, concerning His Majesty's Proclamation, May the 27th, 1642.*

THE Lords and Commons having perused his Majesty's Proclamation forbidding all his Majesty's Subjects belonging to the Train'd-Bands, or Militia of this Kingdom, to rise, march, muster, or exercise by Virtue of any Order or Ordinance of one or both Houses of Parliament, without Consent or Warrant from his Majesty, upon Pain of Punishment according to the Laws.

Do thereupon declare, That neither the Statute of the 7th of *Edward the First*, therein vouched, nor any other Law of this Kingdom doth restrain or make void the Ordinance agreed upon by both Houses of Parliament, for the ordering and disposing the Militia of the Kingdom in this Time of extream and imminent Danger, nor expose his Majesty's Subjects to any Punishment for obeying the same. Notwithstanding that his Majesty hath refused to give his Consent to that Ordinance, but ought to be obeyed by the Fundamental Laws of this Kingdom.

The Declaration of 7. *Edw. the First*, quoted in his Majesty's Proclamation, runneth thus; 'The King to the Justice of his Bench sendeth greeting: Where-  
'as of late, before certain Persons deputed to treat upon sundry Debates, had  
'between us and certain great Men of our Realm, amongst other things, it  
'was accorded, That in our next Parliament, after provision shall be made by  
'us and the common Assent of the Prelates, Earls, and Barons, that in all  
'Parliaments, Treaties, and other Assemblies, which should be made in the  
'Realm of *England* for ever, that every Man shall come without all Force and  
'Armour, well and peaceably to the Honour of us, and the Peace of us and  
'our Realm, and now in our next Parliament at *Westminster*, after the said  
'Treaties, the Prelates, Earls, Barons, and the Commonalty of our Realm  
'there assembled to take Advice of this Business, have said that to us belong-  
'eth, and our part is through our Royal Seigniorie straitly to defend Force of  
'Armour, and all other Force against our Peace at all Times, when it shall  
'please us, und to punish them which shall do contrary according to our Laws  
'and Usages of our Realm; and hereunto they are bound to aid us as their  
'Sovereign Lord at all Seasons when need shall be: We command you, that  
'you cause these things to be read before you in the said Bench, aed there to  
'be enrolled. *Given at Westminster the 30th Day of October.*

The Occasion of this Declaration for the restraint of Armed Men from coming to the Parliament to disturb the Peace of it, is very improperly alledged for the maintenance of such Levies as are now raised against the Parliament, the Title of the Statute being thus, To all Parliaments and Treaties, every Man shall come without Force and Arms; so that the Question is not whether it belong to the King or no, to restrain such Force, but if the King shall refuse to discharge that Duty and Trust, whether there is not a Power in the two Houses, to provide for the Safety of the Parliament and Peace of the Kingdom, which is the End for which the Ordinance concerning the Militia was made, and being agreeable to the Scope and Purpose of the Law, cannot in reason be adjudged to be contrary to it, for although it do affirm it to be in the King, yet it doth not exclude those in whom the Law hath placed a Power for that Purpose, as in the Courts of Justice, that Sheriffs and other Officers and Ministers of those Courts, and as their Power is derived from the King by his Patents, yet cannot it not be restrained by his Majesty's Command, by his Great Seal, or otherwise, much less can the Power of Parliament be concluded by his Majesty's Command, because the Authority thereof is of a higher and more eminent Nature than any of those Courts.

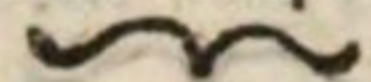
It is acknowledged that the King is the Fountain of Justice and Protection, but the Acts of Justice and Protection are not exercised in his own Person, nor depend upon his Pleasure, but by his Courts, and by his Ministers who must do their Duty therein, though the King in his own Person should forbid them: and therefore if Judgments should be given by them against the King's Will and Personal Command, yet are they the King's Judgments.

The High Court of Parliament is not only a Court of Judicature, enabled by the Laws to adjudge and determine the Rights and Liberties of the Kingdom,

Parliaments  
Declaration  
in Answer to  
the said Pro-  
clamation.



An. 1641.



dom, against such Patents and Grants of his Majesty as are prejudicial thereunto, although strengthened by his Personal Commands, and by his Proclamation under the Great Seal, but it is likewise a Council to provide for the Necessity, to prevent the imminent Dangers, and preserve the publick Peace and Safety of the Kingdom, and to declare the King's Pleasure in those things that are requisite thereunto, and what they do herein hath the stamp of Royal Authority, although his Majesty seduced by evil Council, do in his own Person oppose or interrupt the same, for the King's Supream and Royal Pleasure is exercised and declared in this High Court of Law and Council after a more eminent and obligatory manner, than it can be by any personal Act or Resolution of his own.

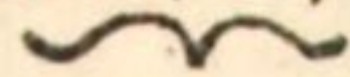
Seeing therefore the Lords and Commons which are his Majesty's greatest and highest Council have ordained, that for the present and necessary defence of the Realm, the Train'd-Bands and Militia of this Kingdom should be ordered according to that Ordinance, and that the Town of *Hull* should be committed to the Custody of Sir *John Hotham* to be preserved from the attempts of Papists, and other malignant Persons, who thereby might put the Kingdom into a combustion, which is so far from being a force against the King's Peace, that it is necessary for the keeping and securing thereof, and for that end alone is intended; and all his loving Subjects, as well by the Law as by other Laws are bound to be obedient thereunto, and what they do therein is according to that Law to be interpreted to be done in aid of the King, in discharge of that Trust which he is tyed to perform, and it is so far from being liable to punishment, that if they should refuse to do it, or be perswaded by any Commission or Command of his Majesty to do the contrary, they might justly be punish'd for the same, according to the Laws and Usages of the Realm, for the King by his Sovereignty is not enabled to destroy his People, but to protect and defend them; and the High Court of Parliament, and all other his Majesty's Officers and Ministers ought to be subservient to that Power and Authority; which Law hath placed in his Majesty to that purpose, though he himself in his own Person should neglect the same.

Wherefore the Lords and Commons do declare the said Proclamation to be void in Law, and of none effect; for that by the Constitution and Policy of this Kingdom, the King by his Proclamation, cannot declare the Law contrary to the Judgment and Resolution of any of the inferiour Courts of Justice, much less against the High Court of Parliament; for if it were admitted that the King by his Proclamation may declare a Law, thereby his Proclamations will in effect become Laws, which would turn to the subverting of the Law of the Land, and the Rights and Liberties of the Subjects.

And the Lords and Commons do require and command all Constables, petty Constables, and all other his Majesty's Officers and Subjects whatsoever, to muster, levy, raise, march, and exercise, or to summon, or warn any upon Warrant from the Lieutenants, Deputy-Lieutenants, Captains, or other Officers of the Train'd-Bands, and all others according to the said Ordinance of both Houses, and shall not presume to muster, levy, raise, march, or exercise by Virtue of any Commission or other Authority whatsoever, as they will answer the contrary at their Peril. And in their so doing, they do further declare, That they shall be protected by the Power and Authority of both Houses of Parliament, and that whosoever shall oppose, or question, or hinder them in the Execution of the said Ordinance, shall be proceeded against as Violaters of the Laws, and Disturbers of the Peace of the Kingdom.

The End of  
the Fourth  
Chapter.

Feb. 1, 1641.



AN Act for the better levying and raising of Mariners, and Sailors, and others for the present Guarding of the Seas, and the necessary Defence of this Realm, and other his Majesty's Dominions, was brought in by the Clerk ready engross'd, read a *third* Time (Mr. *Martin* spoke against the passing it, but none else) and so it passed upon the Question, and was sent up to the Lords by Mr. *Glyn*.

Mr. *Glyn* moved touching Mr. *Browning*, a Parson of *Easton* in *Essex*, that being newly come from *London*, he should say to one *Francis Bowtell*, High Constable of the Hundred of *That the Canons and Oath made in the late Synod by the Archbishop of Canterbury and the rest, were as good as the Protestation of the*

Par-



Parliament, that the Five Members of the House of Commons lately accused of High-Treason, were justly accused, and that there were forty more among them guilty of the same Crime; that the King's coming to the House of Commons on the 4th of January last, was a just Act. He named also some Members of the House of Commons, that had been Accusers of, and were to be Witnesses against the Traitors, as he called them. All which the said Francis Bowtell being called in, justify'd to the House: And Sir Simon d'Ewes informed the House that the said Browning was a notable Arminian and an Altar-adorer. Whereupon he was sent for in Custody as a Delinquent.

Sir Nathaniel Barnardiston one of the Knights of the Shire for Suffolk, brought a Letter ready drawn for the Knights and Burgesses of that County, to send unto several Towns there, where cloathing was exercised, to desire them not to repair to London with any Numbers. Of which three Copies were sent, one to the Mayor of Sudbury, a second to Sir William Spring, to be read in the Town of Ipsworth, and a third to the Town of Lavenham.

Then the Committee proceeded upon the Bill for raising 400000 l. and finished it; and Mr. Serjeant Wilde had Order to report it to the House.

The Bill touching Monopolies of Wines, having after a long Debate, been referred to a Committee; the House fell into a Debate concerning Mr. Richard Long and Mr. Hooker, being the two Burgesses serving in the House for Bristow, whose Names were expressed amongst many others in the said Bill, to have been Partakers in the Monopoly of Wines; that they should no longer sit in the House, and that it was an Offence for them to have sitten there so long. Mr. Long being then in the House, spoke in vindication of himself; and after a short Debate, the Question concerning him and his Fellow Burgess Mr. Hooker, was referred to the Committee for Monopolies.

A Letter was read in the House from Mr. Hugh Murrell, directed to the Speaker, that divers Irish-men were lately gone from thence, and did pretend Authority from the Parliament for their Passage: That divers Letters were sent out of France to divers Inhabitants of Dover, in which it was supposed there might be Letters of Danger enclosed, but that nobody had Power to search and open them. That the Castle of Dover was out of repair, and unfurnished of Arms and Ammunition. That the Irish were so oppress'd with Taxes, that they had scarce Bread left, and would be willing to partake the Plenty of England.

Some spake to this Letter, but no Man knew the Person that wrote it.

Sir Henry Vane the Elder, who had lately been put out of the Secretary's Place, said, that he wonder'd by whose Hand those Men had Passes to go beyond-Sea: For when himself had the Honour lately to serve in the Secretary's Place, he knew that such Passes were to come through his Hand: But nothing could be resolved on 'till Murrell were known, or he who wrote the Letter; whose Credit the House concluded to enquire after.

Mr. Denzil Hollis deliver'd in an Examination taken before Sir Thomas Grymes and Sir John Lenthall, two Justices of the Peace in Surry, touching Words spoken by one John Sampson, a mean Fellow, that the Kingdom would never be in quiet 'till Mr. Pym, and such others as he, were hanged up. The said Sampson being brought into the House, acknowledged he might speak those Words, being in Drink; so being withdrawn, it was Ordered he should be sent back to the Justices of Peace, to be sent to the House of Correction.

At this time the Princess, the Lady Mary, according to the Desire of the States of Holland was preparing to go thither, and the Queen desired to accompany her, to which his Majesty gave Consent, but thought fit to acquaint the Parliament therewith.

Also a Petition came in the Names of the Knights, Gentlemen, and Freeholders of the County of Kent, which was read in the House of Commons, acknowledging their great Care and Pains for the Publick. As also the Copy of another Petition to the Lords, praying their Conjunction with the House of Commons, in the Removal of the Popish Lords and Bishops out of the House of Peers, the evil Counsellors about the King, and the Vindication of the Privileges of Parliament.

Upon a Petition delivered by many Inhabitants of Suffolk and part of Essex to the House of Commons, with a Copy of a Petition to the Lords, for Reformation in matters of Religion, declaring how their free trading was stopt by the present Distractions of the Times. Thanks was returned to the Petitioners for

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17 Caroli.

Feb. the 3d.

Feb. the 4th.

Feb. the 8th.

Feb. the 11th.

King gives leave to the Queen to go into Holland.

Kentish Petition, concerning Popish Lords and Bishops.

Suffolk Petition, concerning Popish Lords and Bishops.



An. 1641.

Petitions  
from divers  
Counties.

Offer to raise  
Forces for re-  
ducing the  
Irish Rebels.

Two Bills,  
one against  
Bishops  
Votes, the  
other for  
pressing of  
Soldiers pas-  
sed by Com-  
mission.

His Majesty's  
Message, Feb.  
14, 1641.

their care and obedience to the Orders of the House, in not coming in Multitudes. They also prayed in their Petition, that the Popish Lords and Bishops Votes might be taken away and scandalous Ministers removed.

The Members of the House, who were sent to the King with Reasons to move his Majesty to give his Royal Assent, for the taking away all Temporal Jurisdictions from those in holy Orders, and to the Bill for pressing of Soldiers for *Ireland*, brought this Answer from the King, That for the first Matter it required Consideration, and for the second his Council had not seen or consider'd of it, but he would return as speedy an Answer as he could.

Petitions at this Time came to the Parliament in the Names of the Knights, Ministers, and Freeholders of the County of *Oxford*, *Lincoln*, and *Northampton*, with a Copy of other Petitions which were presented to the Lords, (to all which Thanks were returned) desiring the Removal of Popish Lords and Bishops out of the House of Peers, and a good Concurrence between both Houses.

Upon a Petition delivered to the House of Commons, from divers well-affected Persons, who therein offered to raise Forces upon their own Charge, and to maintain them for the reducing the *Rebels in Ireland*, and afterward to receive their Recompence out of the Rebels Estates, as the Parliament should order, the Consideration thereof was referr'd to the Consideration of the Irish Committee.

The House proceeded at this Time where they left in Mr. *Pierpoint's* Report, in nominating Persons to be Lieutenants in the Counties of *England* and *Wales*.

The City of *London* delivered to the House of Commons, a Note of the Names of such as they desired to be put in the Trust of the Militia, which was agreed unto by the House.

The Usher of the Black Rod came to the Commons House to call the Speaker, upon *Monday February* the 14th. and the Members up to see two Bills passed by Commission, viz.

The first to take away the Votes of Bishops in Parliament, and all Temporal Jurisdictions and Offices as to be Privy-Counsellors, Justices of the Peace, &c. from them, all others in holy Orders.

The second, for pressing of Soldiers for the Service of *Ireland*, reciting, That whereas by the Laws of the Realm none of his Majesty's Subjects ought to be impressed, or compelled to go out of his County to serve as a Soldier in the Wars, except in case of Necessity of sudden coming of strange Enemies, or except they be bound by Tenure of their Lands; yet for the Prevention of the Plots and Conspiracies in the Kingdom of *Ireland*, and of this Kingdom of *England*, and for the Suppressing of that dangerous Rebellion, it's Enacted, That from the 1st. of *December*, 1641. to the 1st. of *November*, 1642. the Justices, &c. may Raise, Levy, and Impress so many Men for Soldiers, Gunners, and Chirurgeons, as shall be appointed by his Majesty and both Houses of Parliament for the Service of *England* or *Ireland*. And if any refuse; to be committed to Gaol for Six Months, and also 'till he pay 10 l. and for Default of Payment, to remain in Prison without Bail or Mainprize Twelve Months more.

*His Majesty's Message to both Houses of Parliament, February the 14th, 1641.*

Though his Majesty is assured, that his having so suddenly passed these two Bills, being of so great Importance, and so earnestly desired by both Houses, will serve to assure his Parliament, That he desires nothing more than the Satisfaction of his Kingdom; yet that he may further manifest to both Houses how impatient he is, 'till he find out a full Remedy to compose the present Distempers, he is pleased to signify.

That his Majesty will by Proclamation require, that all Statutes made concerning Recusants, be with all Care, Diligence, and Severity put in Execution.

That his Majesty is resolved, that the Seven condemn'd Priests shall be immediately banished (if his Parliament shall consent thereunto:) And his Majesty will give present Order (if it shall be held fit by both Houses) that a Proclamation issue to require all Romish Priests within twenty Days to depart the Kingdom, and if any shall be apprehended after that Time, his Majesty assures both Houses, on the Word of a King, that he will grant no Pardon to any such, without consent of his Parliament.

And



‘ And because his Majesty observes great and different Troubles to arise in the Hearts of his People, concerning the Government and Liturgy of the Church, his Majesty is willing to declare, That he will refer that whole Consideration to the Wisdom of his Parliament, which he desires them to enter into speedily, that the present Distractions about the same may be composed. But desires not to be pressed to any single Act on his Part, ’till the whole be so digested and settled by both Houses, that his Majesty may clearly see what is fit to be left, as well as what is fit to be taken away.

‘ For Ireland, (in behalf of which his Majesty’s Heart bleeds) as his Majesty hath concurred with all Propositions made for that Service by his Parliament, so he is resolved to leave nothing undone for their Relief which shall fall within his possible Power, nor will refuse to venture his own Person in that War, if his Parliament shall think it convenient, for the Reduction of that miserable Kingdom.

‘ And lastly, His Majesty taking Notice by several Petitions of the great and general Decay of Trade in this Kingdom, and more particularly of that of Clothing, and new Draperies, (concerning which he received lately at Greenwich a modest, but earnest Petition from the Clothiers of Suffolk) of which Decay of Trade his Majesty hath a very deep Sense, both in respect of the extream Want and Poverty it hath brought, and must bring upon many Thousands of his loving Subjects, and of the Influence it must have in a very short Time upon the very Subsistence of this Nation, doth earnestly recommend the Consideration of that great and weighty Business to both Houses, promising them, that he will most readily concur in any Resolution their Wisdoms shall find out, which may conduce to so necessary a Work.

**T**HE Lords and Commons assembled in Parliament, do with much Joy receive and with Thankfulness acknowledge your Majesty’s Grace and Favour in giving your Royal Assent to a Bill, intituled, *An Act for dis-enabling all Persons in Holy Orders to exercise any Temporal Jurisdiction or Authority*: And also your Majesty’s Care for Ireland, expressed in the Dispatch of the Bill of Pressing, so much importing the Safety of that, and this Kingdom.

The Houses  
returns the  
King Thanks.

*A Message from a Committee of both Houses of Parliament to the Spanish Ambassadour, to make Stay of Ships at Dunkirk, intended for the Supply of the Rebels in Ireland.*

**T**HE Lords and Commons have commanded us to intimate to the Spanish Ambassadour, the Advertisement that they have received of certain Ships lying in Dunkirk loaded with Ammunition ready to set sail, intended for the Relief of the Rebels of Ireland: This they hold contrary to the Articles agreed upon, in the Treaties of Peace between the two Crowns; and therefore the Ambassadour is to be moved from both Houses, to send speedily to Dunkirk, and to all other his Master’s Dominions, and unto the King his Master, to make Stay of those and all such Ships as may carry any Supply of Men, Victuals, Money, or any other Aid to his Majesty’s Subjects, that at this present are in Rebellion in Ireland, which otherwise will be understood to be a Breach of the Treaties between the Crowns of England and Spain, and so resented by the Parliament.

To make Stay  
of Ships at  
Dunkirk, de-  
signed with  
Arms for Ire-  
land, Feb. 14

*A Message having been sent to the Queen from both Houses, to vindicate themselves from some false Reports of a Design to accuse her of Treason, and praying her Majesty to discover the Authors of those Reports and Aspersions, her Majesty returned this Answer.*

**T**HE Queen having received a Message from both Houses of Parliament by the Earl of Newport and the Lord Seymore, intimating unto her, that she had been told, that the House of Commons had an Intention to accuse her of High-Treason, and that Articles to that purpose had been shewed unto her, returns this Answer, That there was a general Report of an Accusation intended against her, but she never saw any Articles in Writing; and having no certain Author either for the one or for the other, she gave little Credit thereunto, and much less now

Aspersions  
cast upon  
the Queen.



An. 1641.

A Declaration of the Causes of the present Evils and Remedies.  
George Lord Digby's Letters intercepted.

Yorkshire Petition.

Lord Digby.

Touching Letters intercepted from the Lord Digby.

being assured from the House of Commons, that never any such Thing came into their Thoughts.

Nor will she believe they will lay an Aspersion upon her, who hath ever been very unapt, so far, to misconstrue the Action of any one Person, and much more the Proceedings of Parliament, and shall at all Times wish a happy Understanding between the King and his People.

It is Ordered, That the Declaration concerning the Causes of the present Evils, and Distempers of the Kingdom, with the Remedies, should be brought into the House to-Morrow, to be consider'd of.

At this Time there were certain Letters taken coming from beyond-Seas from George Lord Digby, to Mr. Secretary Nicholas, and to Sir Lewis Dives, and others also with them to the Queen, which last was debated whether it was fit to be opened, and at length it was resolved for the Opening of the Letters; whereupon the Commons sent a Message to the Lords for a Committee of both Houses to open the Letters and report.

A Petition from the County of York, with a Copy of one to his Majesty, and another to the Peers, were read and approved of by the House; and Thanks given to the Petitioners by the Speaker, for their great Care of the Church and Commonwealth.

The Committee appointed to consider of the Lord Digby's Letters, made their Report; and the Business was referred to a Committee, to frame a Declaration to his Majesty, of Reasons for the Opening these Letters, and the Copy of the Letters to be sent to his Majesty; whereupon there was drawn up the following Message:

A Message from both Houses of Parliament, sent to the King and Queen's Majesties; touching certain Letters lately intercepted, and as it may be conjectured, sent from the Lord Digby to the Queen's Majesty.

Most Gracious Sovereign,

**Y**OUR Majesty's most Loyal and Faithful Subjects the Lords and Commons in Parliament, have received your Message sent at the Instance of the Queen's Majesty, and upon Consideration thereof, to our great Joy and Content, find therein clear Expressions of Grace and Favour from both your Majesty's, for which we return our most humble Thanks, and have here withall sent the Transcript of that Letter required by your Majesty, as likewise of two other Letters directed to Master Secretary Nicholas and Sir Lewis Dives, all which were brought to us under one Cover Indorsed to Mr. Secretary, with Information that they were written by the Lord Digby, who being a Person fled from the Justice of Parliament, and one who had given many Evidences of Disaffection to the Publick Good, we conceived it necessary to open the two former; and finding sundry Expressions in them full of Asperity and Malignity to the Parliament, we thought it very probable that the like may be contained in that to her Majesty, and that it would be dishonourable to her Majesty and dangerous for the Kingdom if it should not be opened, wherein we were not a Whit deceived, as your Majesty may well perceive by the Contents thereof.

And although we cannot but be very sensible of the great Dishonour therein done to your Majesties, and the malicious Endeavours of fomenting and increasing the Jealousies betwixt your Majesty and your People; yet we are far from reflecting any thing upon the Queen, or expecting any Satisfaction from her Majesty, but impute all to the bold and invenomed Spirit of the Man; only we most earnestly beseech your Majesty to perswade the Queen, that she will not vouchsafe any Countenance to, or Correspondency with the Lord Digby, or any other of the Fugitives or Traitors, whose Offences now depend under the Examination and Judgment of Parliament, which we assure ourselves will be very effectual to further the Removal of all Jealousies and Discontents betwixt your Majesty and your People, and the settling the great Affairs of your Majesty and the Kingdom, in an assured State and Condition of Honour, Safety, and Prosperity.

The Letter from the Lord Digby to the Queen herein-mentioned, was as followeth:

Madam,

**I** Shall not adventure to write unto your Majesty with Freedom but by Express, 'till such Time that I have a Cypher, which I beseech your Majesty to vouchsafe me. At this Time, therefore, I shall only let your Majesty know, where the humblest and most faithful



faithful Servant you have in the World is here at Middleborough, where I shall remain in the privatest way I can, 'till I receive Instruction how to serve the King and your Majesty in these Parts, if the King betake himself to a safe Place, where he may avow and protect his Servants from Rage (I mean) and Violence (for from Justice I will never implore it) I shall then live in Impatience and in Misery 'till I wait upon you: But if after all he hath done of late, he shall betake himself to the easiest and compliantest Ways of Accommodation, I am confident that then I shall serve him more by my Absence than by all my Industry; and it will be a Comfort to me in all Calamities, if I cannot serve you by my Actions, that I may do it in some kind by my Sufferings for your Sake, having, I protest to God, no Measure of Happiness or Misfortune in this World, but what I derive from your Majesty's Value of my Affection and Fidelity.

Middleborough, Jan. 21. 1641.

Dear Brother,

I Hope you will have received the Letter which I wrote unto you from a board Sir Jo. Pennington, wherein I gave you Account of the Accident of Oneal's Man, and why I thought fitting to continue my Journey into Holland; going still upon this ground, that if things go on by way of Accommodation, by my Absence the King will be advantaged. If the King declare himself and retire to a safe Place, I shall be able to wait upon him from hence, as well as out of any Part of England, over and above the Service I may do him here in the mean time. Besides that, I found all the Ports so strict, that if I had not taken this Opportunity of Sir John Pennington's Forwardness in the King's Service, it would have been impossible for me to have gotten away at any other Time.

I am now here at Middleborough, at the Golden Fleece upon the Market, at one George Peterson's House, where I will remain 'till I receive from you Advertisement of the State of Things, and likewise Instructions from their Majesties, which I desire you to hasten unto me by some safe Hand, and withal to send unto me a Cypher, whereby we may write unto one another surely. If you knew how easie a Passage it were, you would offer the King to come over for some few Days your self; God knows I have not a Thought towards my Country to make me blush, much less Criminal; but where Traitors have so great a Sway, the honestest Thoughts may prove most treasonable. Let Dick Shirley be dispatch'd hither speedily with such black Cloaths and Linnen as I have, and let your Letters be directed to the Baron of Sherburn, for by that Name I live unknown, let Care be taken for Bills of Exchange. Middleborough, Jan. 20, 1641. Yours.

*The Committee of Lords appointed to Discover and Prevent Evil Counsellors about His Majesty, passed several Votes, which were reported to the House.*

I. **T**Hat his Majesty be desired, that all Privy-Counsellors and Great Officers of State, except such as had their Places by Inheritance, be removed. That his Majesty would be pleased to receive none into those Places, but such as shall be recommended, by the humble Advice of both Houses of Parliament.

That Mr. William Murray, and Endymion Porter, Lord Digby, Mr. William Crofts, and Sir John Winter be removed from the Persons of the King and Queen, as conceived to give dangerous Counsel.

Upon Wednesday the 16th of February, certain Propositions for the Raising of Money for the more speedy and effectual Reducing of Ireland, proposing that not less than One Million of Money will perfect that Work.

Upon February 17. a Bill was read for Suppressing of divers Innovations in the Church, for the Abolishing of superstitious and scandalous Ministers and idolatrous Practices, the better Observation of the Lord's Day, called Sunday, and for Settling of Preaching and Preachers was read the second Time, and committed.

A Petition was at this Time read from the County of Sussex, together with a Copy of a Petition to the House of Peers, for a thorough Reformation in Religion, and a good Concurrence with the Lords.

Upon February 18. a Message was sent to the Lords for their Consent, in appointing the Earl of Holland to draw forth the Train'd-Bands upon Tuesday next, being Shrove-Tuesday, to prevent Disorders, &c.

17 Caroli.

The Lord Digby's Letter to the Queen, Jan. 21.

Lord Digby's Letter to Sir Lewis Dives.

Votes against Evil Counsellors.

Feb. 16. Ireland requires a Million. Bill against Innovations Feb. 17.

Sussex Petition.



An. 1641.

Bishops appear.

Lord Digby to be charged with High-Treason.

Relief going to the Irish Rebels stoppt.

A Petition against the Settlement of the Militia in London, taken from Mr. Gardner, and he committed.

Feb. 24, 1641.

A Message was sent from the Lords to the Commons on *February* the 19th, to signifie that the twelve Bishops were come to the House of Peers, which they thought fit to acquaint the House of Commons with, to the end that those Members of the House of Commons, who were to manage the Impeachment against them, might come up to the Lords House, whereupon certain Members of the House of Commons, who were of the long Robe, went up accordingly.

The Committee, appointed to draw up the Charge against the Lord Digby, made Report to the House, whereupon it was resolved upon the Question, That the House hath sufficient Grounds to accuse the Lord Digby of High-Treason.

Upon *February* 21. the House of Commons debated the King's Answer, sent on *Saturday* last to the Petition, for the Ordering of the Militia of the Kingdom, which was to this purpose, That it being a Matter of great weight, and his Queen and Daughter both going to *Holland*, he could not so suddenly consider of a particular Answer, but make respite untill his Return, which would be very suddenly.

Whereupon the House of Commons drew up another Petition, further to move his Majesty for a speedy Answer therein, for that the Dangers of the Kingdom were so great that it would not admit of Delay; the Lords also joyned in this Petition, and one Lord and two Commoners were sent to the King therewith.

A Letter brought to the House of Commons from *Devonshire*, informing, That there was a small Vessel driven into a Harbour in that Country by cross Winds that came from *Dunkirk*, wherein was Ammunition and some Commanders, and other Provisions going to assist the Rebels in *Ireland*, (as was suspected) whereupon the House Ordered that the said Vessel should be seized, and her Lading taken forth, and the Men found in her sent to the Parliament.

An Order drawn up, that the Corn, Victuals, and other Provisions to be sent to relieve the Protestants in *Ireland*, should be transported free of Customs.

There was on Mr. Gardner, a rich Citizen, brought before the House of Commons, upon Intelligence given to the House, that he and some others had gone about to petition the King, and contradict an Order of both Houses for the Ordering of the Militia of the City, viz. that there should be a Committee of Citizens chosen by the Lord-Mayor and Common-Council, for the Ordering of the said Militia, which Proposition was first made to the Parliament by the City, and fully assented unto by the Lord-Mayor; whereupon the Common-Council, according to the Order, proceeded to the making of an Election, which was confirmed by an Order of both Houses: But the Citizens disapproving of the Election, alledging, That by their Charter their Lord-Mayor ought to be Lieutenant of the City to order the Militia, drew up a Petition for a new Election, and got about some 300 Hands to it. Of which Petition the House having Notice, appointed one Mr. Long, and some other (Members of the Commons) to enquire after it, who found the Petition with the said Mr. Gardner, and brought the same to the House: The said Mr. Gardner, upon his Examination, refusing to give Answer to some Questions propounded by the Committee, was, by Order of the House, sent to the Tower, for his Contempt.

About thirty or forty other Citizens came to the House of Commons and presented them with a Copy of the said Petition, which was drawn concerning the Militia, which was taken from Mr. Gardner by Order of the House, desiring Mr. Long might produce that Petition, and that it might be read in the House, and they also presented another Petition to the Lords concerning the same Business; but the House of Commons refusing to have the original Petition read in the House, for that there were many that subscribed thereunto, who had relinquish'd their Hands, gave Order that those Gentlemen that brought the Copy to the House, should subscribe their Hands to the same, which being done, and the Petition again presented, after a great Debate concerning it, Mr. Binion, one of the chief of them, was twice called into the House, and examined concerning it. The House taking some Offence at some Words spoken by him in justifying the Actions of himself and the others concerning that Business, and being called in the third Time, he absented himself, and could not be found, whereupon there was a Committee appointed presently to examine those Gentlemen severally, and to make Report thereof.

But



But that Committee had not sate long before there came a Message from the Lords to desire that there might be a Committee of the House of Commons appointed to joyn with the Lords, to consider of a Petition deliver'd by those Citizens to the Lords that Morning, whereupon the Committee of the Commons went up, and having spent some time in debate concerning it, they Ordered that those Citizens should be appointed again to attend the Committee the next Day to be examined, and the said Mr. *Binion* was afterwards Committed.

17 Caroli.

Mr. *Binion*  
Committed.

*A Message from both Houses of Parliament unto his Majesty concerning the Prince his Son.*

**T**HE Lords and Commons in Parliament humbly desire his Majesty, that the Prince may not be removed from *Hampton-Court*, and that for these ensuing Reasons:

Feb. 24. That  
the Prince  
may not be  
removed.

1. They conceive that his Majesty had resolved, that the Prince should stay at *Hampton-Court* untill his Majesty's Return.

2. That the Lord Marquess *Hertford*, appointed by his Majesty to be Governor of the Prince, and approved of and commanded by the Parliament to give his Personal Attendance on the Prince, is now so indisposed in his Health, that he is not able to attend the Prince to any other Place.

3. That the Prince his Removal, at this Time from *Hampton Court* may be a Cause to promote Jealousies and Fears in the Hearts of his Majesty's good Subjects, which they conceive very necessary to avoid.

*Die Jovis, 24 Febr. 1641.*

Ordered by the Lords and Commons in Parliament, that the Lord *Howard of Chareltou* shall attend upon the King, and present these Reasons to his Majesty.

John Brown, Cler. Parliament.

*His Majesty's Answer to the Reasons he received, by way of Message, from both Houses concerning the Prince his Son.*

**T**Hat his Majesty intended at his Remove from *Hampton-Court* with his Royal Consort, the Queen, towards *Dover*, that the Prince his Son should stay at *Hampton-Court* till his Majesty returned to some of his Houses, and thereupon as soon as his Majesty resolved, upon a certain Day, to be at *Greenwich*, he commanded that his Son should attend him there, which was no way contrary to his former Intention.

The King's  
Answer con-  
cerning the  
Prince, Feb.  
24.

2. That his Majesty was very sorry to hear of the Indisposition of the Marquess of *Hertford*, being the Person upon whom he principally relies for the Care of his dearest Son. But if that Indisposition should have lasted, his Majesty could no way think fit that his want of Health should have hinder'd the Prince from waiting upon his Majesty according to his Command, and therefore would have been much offended if the Prince had failed of meeting his Majesty according to his Appointment.

3. To the Fears and Jealousies his Majesty knows not what Answer to give, not being able to imagine from what Grounds they proceed; but if any Information have been given to that Purpose, his Majesty much desires that the same may be examined to the Bottom, and then he hopes, that their Fears and Jealousies will be hereafter continued only with reference to his Majesty's Rights and Honour.

*An Ordinance of both Houses of Parliament, for the Safe-guard of the Parliament, Tower, and City of London, under the Command of Serjeant Major General Skippon.*

**W**Hereas upon the 12th of *January* last past, (amongst other things in that Order,) it is Ordered by the Lords and Commons in Parliament, in these Words, *And for the better Safe-guard of the Tower; it is further Ordered by both Houses*

An Ordi-  
nance for  
Safe-guard of  
the Parlia-  
ment, City,  
&c.



An. 1641.

*Houses of Parliament, that the Sheriffs of London and Middlesex, shall appoint and place a sufficient Guard about the Tower; both by Land and Water, under the Command of Serjeant Major General Skippon, Commander of the Guards of Parliament, and that those Guards be careful to see the former Order observed.* Now whereas the said Serjeant Major having (in his great care and faithfulness) given his Advice to the said Sheriffs, concerning what Guards he conceived to be fitting, and how the same Guards ought to have been ordered by Water and Land, as he thought most advantageous for the said Service, whereas also the said Serjeant Major hath given his further Advice and Order to divers other Persons concerning the timely discovery, and preventing of any thing that might have been attempted or done contrary to the Intent of the said Order of both Houses of Parliament.

And whereas the said Serjeant Major Skippon, hath according to the Trust reposed in him by the City of London, placed the Train'd-Bands of the said City at the farther End of Tower-street; and in such other Places within and about the City, as he conceived to be most for the Safety of the City; all and every particular of the which Premises, and whatsoever else in the same kind, and to the same Ends, that he the said Serjeant Major hath advised, or done, or shall advise, or do according to the Order aforesaid, is hereby *well approved of*, and fully warranted by both Houses of Parliament, as being for the real good Service of his Majesty, and the Common-wealth, as also for the Safety of the Parliament and City; and is in all, and every part thereof according to his Duty, the late Protestation, and the Laws of this Kingdom; and if any Person shall Arrest, or any other way trouble him for so doing, he doth break the Privilege of Parliament, violate the Liberty of the Subjects, and is hereby declared an Enemy to the Common-wealth.

*The Votes of the Lords and Commons, upon the Propositions made by divers worthy and well-affected Persons for the speedy and effectual reducing of the Kingdom of Ireland.*

Votes upon  
the Proposi-  
tions for re-  
ducing of  
Ireland.

**T**HE Lords and Commons taking into their serious Considerations, as well the necessity of a speedy reducing of the Rebels of Ireland to their due obedience, as also the great sums of money, that the Commons of England have of late paid for the publick and necessary Affairs of the Kingdom, whereof the Lords and Commons are very sensible and desirous to imbrace all good and honourable Ways tending to his Majesty's Greatness and Profit, the settling of that Realm, and the ease of his Majesty's Subjects of England: And whereas divers worthy and well-affected Persons perceiving that many Millions of Acres of the Rebels Lands of that Kingdom, which go under the name of *profitable Lands*, will be confiscate, and to be disposed of; and that in case two Millions and a half of these Acres to be equally taken out of the four Provinces of that Kingdom, may be allotted for the satisfaction of such Persons as shall disburse any sums of money for the reducing of the Rebels there, would effectually accomplish the same, have made these Propositions following,

1. That two Millions and a half of those Acres may be assigned, allotted, and divided amongst them after this proportion, *viz.*

|                       |   |     |                         |
|-----------------------|---|-----|-------------------------|
| For each Adventure of | { | 200 | 1000 Acres in Ulster.   |
|                       |   | 300 | 1000 Acres in Conaught. |
|                       |   | 450 | 1000 Acres in Munster.  |
|                       |   | 600 | 1000 Acres in Leinster. |

All according to the English Measure, and consisting of Meadow, Arable, and profitable Pasture, the Boggs, Woods, and barren Mountains, being cast in over and above those two Millions and a half of Acres to be holden in Free and Common Soccage of the King, as of his Castle at Dublin.

2. That out of these two Millions and a half of Acres, a constant Rent shall be reserved to the Crown of England, after this proportion, *viz.*

|                             |   |          |                    |
|-----------------------------|---|----------|--------------------|
| Out of each Acre thereof in | { | Ulster   | 1.                 |
|                             |   | Conaught | 2. $\frac{1}{2}$ . |
|                             |   | Munster  | 2. $\frac{1}{4}$ . |
|                             |   | Leinster | 3.                 |

Where-



Whereby his Majesty's Revenue, out of those Lands, will be much improved, besides the Advantages that he will have by the coming to his hands of all other the Lands of the Rebels and their personal Estates, without any Charge to his Majesty.

3. That for the erecting of *Mannours*, settling of Wafts and Commons, maintaining of preaching *Ministers*, creating of *Corporations*, and regulating of the several Plantations, one or more Commissions be hereafter granted by Authority of Parliament.

4. That money for this great occasion may be the more speedily advanced, all the undertakers in the City of *London*, and within 20 miles distant thereof, shall under-write their several summs before the 20th day of *March*, 1641. and all within 60 miles of *London* before the first of *April*, 1642. and the rest of the Kingdom before the 1st Day of *May*, 1642.

5. That the several summs to be under-written, shall be paid in at four payments, *viz.* one fourth part within ten days after such under-writing, and the three parts at three months, three months, and three months, all to be paid into the Chamber of *London*.

6. That for the better securing of the said several summs accordingly, every one that doth so under-write, shall at the time of his subscription pay down the 20th part of the total summ that shall be by him then under-written.

And in case that the residue of his first 4th part be not paid in to such person or persons as shall be appointed to receive the same, within ten days before limited, then such party shall not only forfeit the 20th part of the summ total formerly deposited, but so much more of his first 4th payment to be added thereunto, as shall make up the one moiety of the said first payment; and if the same person shall fail in any other of the three payments, he shall then forfeit his entire first 4th part, and all the benefit of his subscription, which forfeiture shall accrue to the common benefit of the rest of the Undertakers.

The Lords and Commons, upon due and mature deliberation of these propositions, have approved of them, and given their consent unto the same, and will become humble Petitioners to his Majesty for his Royal Approbation thereof, and that hereafter he will be pleased, upon the humble suit of both Houses of Parliament, to give his Royal Assent to such *Bills* as they shall tender unto him for the settling of those propositions, and all other things necessarily conducing thereunto.

*His Majesty's Gracious Answer and Assent declared unto the Propositions of both Houses of Parliament, February 24, 1641. was as followeth.*

**H**IS Majesty being very glad to receive any Proposition that may repair the Calamity of his distressed Kingdom of *Ireland*, especially when it may be without burthen or imposition, and for the ease of his good Subjects of this Kingdom, hath graciously considered the overture made by both Houses of Parliament to that purpose, and returns this Answer:

That as he hath offer'd, and is still ready to venture his own Royal Person for the recovery of that Kingdom, if his Parliament shall advise him thereunto, so he will not deny to contribute any other assistance he can to that service, by parting with any profit or advantage of his own there; and therefore (relying upon the Wisdom of his Parliament) doth consent to every proposition now made to him, without taking time to examine, whether this course may not retard the reducing of that Kingdom by exasperating the Rebels, and rend'ring them desperate of being received into Grace if they shall return to their Obedience.

And his Majesty will be ready to give his Royal Assent to all such *Bills* as shall be tender'd unto him by his Parliament for the confirmation of every particular of this proposition.

*Die Veneris, Febr. 25, 1641.*

Ordered, By the Lords in Parliament, That the propositions concerning *Ireland*, and his Majesty's Gracious Answer thereunto, together with the *Directions*, shall be forthwith printed and published.

G g g g

And

17 Caroli.

King's Assent  
to these Pro-  
positions.



An. 1641.

Directions  
touching  
Subscriptions  
for Ireland.

*And for the better effecting of this Work, the Lords and Commons have thought fit to publish these ensuing Directions.*

**W**Hereas according to the proportion of Lands in the Propositions mentioned (being two millions and a half of Acres) the summs to be under-written, will not exceed one million of money, it will be requisite, that together with the summs under-written, the day and time of each subscription be likewise set down, to the intent that those who do under-write before the million of money shall be made up, may not be excluded from the benefit of their respective subscriptions, in case they make payment of the respective summs according to the Propositions.

Nevertheless, if any shall under-write after the million of money shall be made up, they shall be admitted to the shares of such as (having under-written to the million) shall fail of payment according to the propositions, or else (at their election) shall be forthwith repaid all such summs as they shall have paid in, upon hope of taking benefit of the propositions.

2. The places to be appointed for the several under-writings, to be — for the Cities of *London* and *Westminster*, and the Counties of *Surry* and *Middlesex*, the *Chamber of London*: For all other Counties in *England* and *Wales*, the Towns where the last *Affizes* were kept: But any of those Counties that shall desire to under-write in *London*, may be at liberty to do it there.

3. The persons to be employ'd in taking the under-writings, and receiving the monies for *London* and *Westminster*, *Middlesex* and *Surry*, are to be such, as upon further consultation with the *Citizens* of *London*, shall be appointed. And in all other Counties respectively, the *Sheriffs* of the said Counties, who are to give *Acquittances* for such summs as they shall receive.

4. That printed Books of the Propositions, and his Majesty's Answer thereunto, and of the Instructions shall be sent, and Letters written from the *Speaker* to the several *Sheriffs* of the said Counties, who shall publish the Books and Letters at the next *Affizes*, and shall then likewise give publick notice of the times and places by them to be appointed, as well for the several under-writings, as for the payment of the summs that shall be under-written: And for the better publishing of these Books, the several *Citizens* and *Burgesses* of the House of Commons shall forthwith send down several Books and Letters to the Head Officers of their Cities and Boroughs respectively.

5. That the several *Sheriffs* shall from Week to Week send up to the *Chamber of London*, a true List of the Names and Summs subscribed, and of the time of the subscriptions.

6. For the better encouragement of such persons as shall be employ'd for the City of *London* and the parts adjoyning, as likewise of the said *Sheriffs*, and such other persons as shall be by them employ'd herein, it shall, and may be lawful for the said *Sheriffs*, and for the said persons appointed for the City of *London* respectively, to deduct and retain to his or their use, after the rate of one penny in the pound, for their pains and charges in receiving the said summs, and in returning the same.

7. That together with the printed Propositions and Letters from the *Speaker*, Paper-Books with Titles prefixed, shall be sent down to the *Sheriffs* of each County, in the beginning of which Books, next under the Titles, the *Knights*, *Citizens*, and *Burgesses* respectively, that serve for the same, and who shall under-write any summ, according to the said Propositions, shall subscribe their Names and Summs in the first place.

Mr. Sheriff,

**T**HE Lords and Commons being deeply sensible of the unspeakable Calamities, which his Majesty's good Subjects of the Kingdom of Ireland do now suffer by the barbarous Cruelties and Massacres of the Rebels there; and conceiving these Propositions herewith sent (being ratify'd by his Majesty's Royal Assent, and the unanimous Approbation of both Houses of Parliament) do undoubtedly tend to the speedy and effectual reducing of those bloody Rebels, the propagating of the Protestant Religion, the augmenting of the Greatness, and the Revenue of the Crown of England, and the establishing of an happy and firm Peace, for the future, in his Majesty's three Kingdoms; and

A Letter sent from both Houses of Parliament to all the High Sheriffs of this Kingdom, to promote the late Propositions for Ireland.



and all this to be effected (by God's Gracious Assistance) without the general Charge of the Subject, and to the great Advantage of those, that shall under-write, have thought fit to require you to publish these Printed Propositions and Instructions at this Lent-Affizes, to the Intent, that all his Majesty's good People within your County, may take notice of the benefit they may receive by under-writing in due time; and that so many of them, then present, and willing to subscribe, may give up a Note of their Names, Summs, and Dates of their Subscriptions to you, to be enter'd in the Paper-Books, mentioned in the Printed Instructions, which is forthwith to be sent unto you; and you are further directed hereby, at this Lent-Affizes, (if they be not past) by the Advice and Assistance of the Justices of Peace for your County, then present, to appoint certain days and places most convenient for this service, when, and where your self and the Justices of Peace within each Division, will be present, to receive the Names, Summs, and Times of Subscription of such his Majesty's well-affected Subjects within your County, as shall not have subscribed at this Lent-Affizes, their Names, Summs, and Times of Subscription, to be likewise enter'd in the Paper-Book; and if this Letter come to your Hands after the Affizes, then to appoint such Times and Places, as may best speed their Service. And further, your self, the Justices of the Peace, and the Ministers of God's Word, and Persons of Quality within your County, are hereby earnestly desired to shew themselves active and exemplary in advancing this great and pious Work; 'tis a service tending so much to the Glory of God, the Honour and Profit of his Majesty, and the Peace and Tranquility of his Three Kingdoms for the future. And you are likewise to inform those that shall under-write, that the Act of Parliament (which his Majesty hath promised to pass, for the settling of those two Millions and a half of Acres) is already in hand, and that the Lands are to be divided so indifferently by Lot among them that under-write, that no one Man whatsoever shall have more respect and advantage than other, in division. And lastly, you are to give a speedy Account to the Parliament of your Proceedings herein, and of those that do really advance this service: Thus not doubting of your utmost Care and Diligence herein, we bid you heartily Farewell.

17 Caroli.

And the substance of these Propositions was soon after reduced into a Bill, and having passed both Houses received his Majesty's Royal Assent, Anno 17. Car. And three other Additional Acts touching the same, passed Anno 18 Car. to admit Scotch and Dutch to subscribe, and to accept of Subscriptions for smaller Summs, as of 10 l. or 20 l. For which they were to have Lands in Ireland, proportionate to the former Proposals, &c.

The Propositions ratify'd by Acts of Parliament.

A Committee sat in the Court of Wards concerning Relicks, Crucifixes, Organs, and Images in Churches, whereupon it was ordered by the House, That between this time and a prefixed Day in the Month of May, all those Relicks should be taken down, and in case of the Church-Wardens Neglect herein, any two Justices of the Peace within that County, should have power to execute the Parliaments Commands: And some were so zealous in taking down Crosses and Crucifixes, as they took down the Sign of Charing Cross, being the Sign of a Tavern, near that place where Charing Cross stood.

Feb. 25. Organs and Images in Churches.

The Lords sent a Message to the Commons upon February 25. that they had received another Message from his Majesty in answer to their last Petition, concerning the ordering of the Militia of the Kingdom to this effect, That upon his Majesty's coming to Greenwich on Saturday next, he would return an absolute Answer concerning that Business.

A Tavern Sign taken down as superstitious.

Militia.

Upon Saturday, February 26. Secretary Nicholas sent a Letter to the House of Commons, which he had received lately from a great Person in Venice, giving him to understand, that the Pope of Rome was much incensed at the proceeding of this Parliament against Popish Priests and Romish Recusants, and if they so proceeded, his Holiness would cause an Army to be raised, and sent into Ireland, and that the Pope takes it ill that the Parliament will not discharge the seven Priests, whom his Majesty hath reprieved.

The Pope is angry with the Parliament.

After the reading of this Letter, it was moved, that they should desire the Lords to joyn with them to move his Majesty, that the seven Priests might be presently hanged, and they drew up an Order that the Capuchin Fryars at Somerset House, should be presently apprehended, and brought to the Parliament.

The Houses Resolution thereupon.

At this time there were Letters came out of France, that there was great Preparation of Shipping and Soldiers there, and it is suspected they were intended for the Relief of the Rebels in Ireland.

France.



An. 1641.

Upon *Monday* the last of *February*, the Lords sent a Message to the Commons to inform them, that to those Lords, that were sent to *Greenwich* on *Sunday* last to bring the Prince back to *London*, his Majesty had given this Answer, That he would take charge of the Prince, and carry him along with him in his intended Journey; his Majesty further adding, That he did not know any ground of such Fears, that there should be any ill intended against the Prince.

March, 1641.

When the Queen and her Daughter, the young Princess of *Orange*, had set sail for *Holland*, the King came back to *Greenwich*, whither he sent for the Prince and Duke of *York* to come to him, and attend him in his Journey to the City of *York*, which was the Place where he intended to reside, and to that purpose immediately went on his way as far as *Theobalds*; to which Place he was followed with a Petition from both Houses, presented to him on the 1st. of *March*, 1641. (which see above, Chapter of the Militia, as also the King's Answer.)

Notwithstanding what the Parliament could alledge to dissuade him, the King prosecutes his Northern Journey, where he arrived on the 19th of this Month, being attended at divers Places in his Journey with Petitions from both Houses, which because they relate chiefly to the Business of the Militia, have been likewise inserted into that Chapter, as also the King's Answers thereunto, and the Votes and Measures made and taken by the Parliament thereupon.

Wednesday, 2d. March.

An Order to the Lords and Commons concerning the Navy.

The Lords and Commons, in this present Parliament Assembled, having received Advertisements of extraordinary Preparations made by the Neighbouring Princes, both by Land Sea; the Intentions whereof have been so represented, as to raise an apprehension in both Houses, that the publick Honour, Peace and Safety of his Majesty and this Kingdom cannot be secured, unless a timely course be taken for putting the Kingdom into a condition of defence at Sea as well as Land. It is therefore Ordered by the Lords and Commons aforesaid, That the Earl of *Northumberland*, Lord High-Admiral of *England*, do forthwith give effectual Direction and Order, that all, and every the Ships belonging to his Majesty's Navy, which are fit for Service, and not already abroad, nor designed for this Summer's Fleet, be with all speed rigged, and put in such a readiness, as that they may soon be fitted for the Sea. And that his Lordship do also make known to all the Masters and Owners of such Ships, as now are in, or about any the Harbours of this Kingdom, and may be of use for the publick defence thereof, that it will be an acceptable Service to the King and Parliament, if they likewise will cause their Ships to be rigged, and so far put in a readiness, as they may be at a short warning set forth to Sea, upon any emergent Occasion, which will be a means of great security to his Majesty and his Dominions.

On the 16th of *March*, the King being at *Stamford*, issued a Proclamation for putting in Execution the Laws against Papists, as followeth:

By the KING.

A Proclamation against Popish Recusants.

THE King's most Excellent Majesty having been formerly moved by his Parliament for putting the Laws in Execution against Papists, whereto he hath from Time to Time still given his Gracious Answers, expressing his Willingness thereunto: But now finding that no such Proceedings against them have been yet had, as might answer his Majesty's Expectation; his Majesty therefore out of his Princely and Pious Care, as well for maintaining the true Protestant Religion established in this Kingdom, as for suppressing, by lawful Ways, all Increase and Growth of Popery, hath thought fit to publish his Royal Pleasure therein: Wherefore his Majesty doth hereby straitly Charge and Command all, and every his Judges and Justices of Assize, Sheriffs, Justices of the Peace, and other his Officers and Ministers whatsoever, whom it doth any way concern, That they, and every of them, according to the Duties of their several Offices and Places, do forthwith, and without further Delay put in due and effectual Execution



tion the Laws and Statutes of this Realm, provided and made against Popish Reculants, and that without Favour or Connivance, as they tender his Majesty's Just and Loyal Commands, and the Good of this Church and Kingdom, and will answer for neglect of their Duties herein.

Given at his Majesty's Court at *Stamford*, the 16th Day of *March*, in the Seventeenth Year of his Reign.

*Wednesday 16th. of March, 1641.*

**W**Hereas the Lords in the upper House of Parliament, do find that there are many Petitions concerning private Persons depending now before their Lordships, and conceive that many more may be brought into that House, if timely Advertisement be not given to the contrary, which may occasion the repair and attendance of divers of his Majesty's loving Subjects upon their Lordships; who cannot give a dispatch to private Businesses, by reason of the many publick and great Affairs that now lye before them, concerning the Safety and Weal of his Majesty's Kingdoms.

It is therefore thought fit and so ordered by the Lords in Parliament, That all private Businesses shall be hereby deferred and put off, until the 1st. Day of the next Term, being the 27th. of *April* next: Whereof this House doth hereby give notice to all his Majesty's loving People, to prevent the Charge and Trouble, which otherwise the Petitioners might be put unto in repairing unto the House at this Time.

John Brown, Cleric. Parliament.

The King being come to *York*, renews his Claim to the Duties of Tunnage and Poundage, though the late Act that gave them was expired; and accordingly publishes this ensuing Proclamation.

By the K I N G.

A Proclamation concerning the true Payment of Tunnage and Poundage.

**W**hereas in and by the last Act of this present Parliament concerning Tunnage and Poundage, (intituled, A Subsidy granted to the King of Tunnage, Poundage, and other Summs of Money payable upon Merchandize exported and imported,) it is Provided, That no Penalty or Forfeiture contained in the said last Act, or in an Act made in the First Year of his Majesty's late Royal Father King James, (intituled, A Subsidy granted to the King of Tunnage, Poundage, Woolls, &c.) do, or shall ensue to any Person or Persons, unless they refuse to compound for any Merchandize or Goods imported or exported, after Notice given of the said last Act, Penalty and Forfeiture by Proclamation, where the said Goods are or ought to be entred.

His most Excellent Majesty, lest any his loving Subjects or others (under Pretence of Ignorance) should forbear to pay the said Tunnage, Poundage, and other Summs of Money payable upon Merchandize, or Goods either exported or imported, contrary to the Tenour of the said last Act, and for the more speedy publishing thereof, hath thought fit (by Advice of his Parliament) hereby to declare his Royal Will and Pleasure to be, That all his loving Subjects and others, whom it shall or may concern, do take Notice of the said last Act: And that they and every of them do accordingly pay the said Tunnage and Poundage, and other Summs of Money thereby laid or imposed upon Merchandizes, or Goods, either imported or exported, under the Pains and Penalties in the said last Act, and in the said Act made in the First Year of the Reign of his Majesty's said late Father, or either of them provided or expressed: And to be farther punished according to the Law for their Contempt of his Majesty's Royal Commandment herein.

And therefore his Majesty doth hereby straitly charge and command as well all and every his Customers, Comptrollers, Collectors, Searchers, Waiters, and others the Officers and Ministers in all and every his Majesty's Ports and

17 Caroli.

An Order of the Lords concerning private Persons.

Tunnage and Poundage.



An. 1641.

and Havens, and the Members thereof within his Kingdom of England, and Dominion of Wales, as all Justices of the Peace, Mayors, Sheriffs, Bayliffs, Constables, Headboroughs, and other his Majesty's Officers and Ministers, to whom it shall or may appertain, that they and every of them in their several Offices and Places respectively, do take care that all and every the Premises be fully executed and performed according to his Majesty's Royal Will and Pleasure herein declared, as they will answer the contrary at their utmost Perils.

Given at our Court at York the 24th Day of March, in the Seventeenth Year of our Reign.

The very same Day the Lords and Commons published this Order concerning the same.

Thursday 24th. of March, 1641.

Whereas the Bill of Tunnage and Poundage is this Day expired, and a new Bill pass'd both Houses for the continuance of those Payments until the 3d. Day of May, which cannot as yet receive the Royal Assent, in regard of the remoteness of his Majesty's Person from the Parliament, which Monies to be collected by that Bill, are to be employ'd for the necessary guarding of the Seas, and defence of the Common-wealth: It is therefore Ordered by the Commons now assembled in Parliament, That the several Officers belonging to the Custom-house, both in the Port of London, and the out-Ports, do not permit any Merchant, or other, to lade or unlade any Goods or Merchandizes, before such Persons do first make due Entries thereof in the Custom-house: And it is also hereby declared by the said Commons, That such Officers upon the respective Entry made by any Merchant, as aforesaid, shall intimate to such Merchant, that it is the Advice of the Commons, for the better Ease of the said Merchants, and in regard the respective Duties will relate and become due as from this Day; that the said Merchants upon Entry of their Goods, as they usually did, when a Law was in force for that purpose, would deposite so much Money as the several Customs will amount unto, in the Hands of such Officers, to be by them accounted to his Majesty, as the respective Customs due by the said Bill, when the said Bill shall have the Royal Assent; or otherwise his Majesty refusing the passing thereof, the said Monies to be restored upon demand unto the several Merchants respectively.

H. Elsing, Cleric. Parl. Dom. Com.

Sabbati 3. April, 1642.

One Sentenced in the House of Lords for speaking Words against the Parliament.

THE House was this Day informed by the Depositions of several Witnesses at the Bar, that *Edward Sanderford*, a Taylor of the City of London, said, That the Earl of *Essex* was a Traytor, that all the Parliament were Traytors, that the Earl of *Warwick* was a Traytor, and wished his Heart in his Boots, and that he cursed the Parliament, and wished Mr. *Pym* (calling him *King Pym*) and Sir *John Hotham* both hanged.

This Evidence being given before the said *Sanderford*, he was asked what he could say for himself, who being not able to make any Defence, was commanded with the Witnesses to be withdrawn: And afterwards the House taking the whole Matter into serious Consideration, commanding that the said *Sanderford* should be again brought to the Bar, and did then by the Speaker pronounce this Judgment against him, (*viz.*)

1. That the said *Edward Sanderford* should be fined to our Sovereign Lord the King in the Sum of one hundred Marks.

2. That he shall stand on the Pillory in *Cheapside* and *Westminster*, with a Paper on his Head declaring his Offence.

3. That when he shall be taken off the Pillory, in each Place, he shall be whipped from thence at a Cart's-Tayl, the first Day to the Fleet, and the second Day to *Bridewell*.

4. That he shall stand committed to the House of Correction in *Bridewell*, there to be kept to work during his Life.

Die



*Die Sabbati 9 Aprilis, 1642.*

THE Lords and Commons do declare, That they intend a due and necessary Reformation of the Government and Liturgy of the Church, and to take away nothing in the one or the other, but what shall be evil and justly offensive, or at the least unnecessary and burthensome: And for the better effecting thereof, speedily to have consultation with godly and learned Divines. And because this will never of it self attain the end sought therein, they will therefore use their utmost endeavours to establish learned Preaching Ministers with a good sufficient maintenance throughout the whole Kingdom, wherein many dark corners are miserably destitute of the means of Salvation, and many poor Ministers want necessary Provision.

Ordered by the Lords in Parliament, That this Declaration of both Houses touching the Government and Liturgy of the Church, shall be forthwith printed and published by the Sheriffs in their several Counties, in all the Market-Towns within the Kingdom of *England* and Dominion of *Wales*.

*His Majesty's Message sent to the Parliament the 8th of April, 1642. concerning his Resolution to go into Ireland, for suppressing the Rebels there.*

HIS Majesty being grieved at the very Soul, for the Calamities of his good Subjects of *Ireland*, and being most tenderly sensible of the false and scandalous Reports dispersed amongst the People, concerning the *Rebellion there*; which not only wounds his Majesty in Honour, but likewise greatly retards the reducing of that unhappy Kingdom, and multiplies the Distractions at home, by weakening the mutual confidence between him and his People; out of his pious Zeal to the Honour of Almighty God, in establishing the true Protestant Profession in that Kingdom, and his Princely Care for the good of all his Dominions, hath firmly resolved, with all convenient speed to go into *Ireland*, to chastise those wicked and detestable Rebels (odious to God, and all good Men) thereby so to settle the Peace of that Kingdom, and the Security of this, that the very Name of Fears and Jealousies may be no more heard of amongst us.

As his Majesty doubts not, but that his Parliament will chearfully give all possible assistance to this good Work; so he requires them, and all his loving Subjects to believe, that he shall, upon those Considerations, as earnestly pursue this Design (*not declining any hazard of his Person in performing that Duty which he oweth to the Defence of God's true Religion, and his distressed Subjects*) as for these, and only these ends he undertakes it; to the sincerity of which Profession he calls God to witness, with this farther assurance, That his Majesty will never consent (*upon whatsoever Pretence*) to a Toleration of the *Popish Profession there*, or the Abolition of the Laws now in Force against *Popish Recusants* in that Kingdom.

His Majesty hath farther thought fit to advertise this Parliament, that towards this Work he intends to raise forthwith by his Commissions, in the Counties near *Westchester*, a Guard for his own Person (when he shall come into *Ireland*) consisting of *two thousand Foot and two hundred Horse*, which shall be armed at *Westchester* from his Magazine at *Hull*: At which time all the Officers and Soldiers shall take the Oaths of Supremacy and Allegiance: The charge of raising and paying whereof his Majesty desires his Parliament to add to their former undertakings for that War; which his Majesty will not only well accept; but if their pay be found too great a burthen to his good Subjects, his Majesty will be willing (by the Advice of his Parliament) to sell, or pawn any of his Parks, Lands, or Houses toward the Supplies of the Service of *Ireland*; with the Addition of these Levies to the former of *English and Scots* agreed upon in Parliament, he hopes so to appear in this Action, that (by the Assistance of Almighty God) in a short time that Kingdom may be wholly reduced and restored to peace, and some measure of happiness, whereby he may chearfully return, to be welcomed home with the Affections and Blessings of all his good *English* People.

Toward this good Work, as his Majesty hath lately made dispatches unto *Scotland*, to quicken the Levies there for *Ulster*; so he heartily wishes, that his Parliament here would give all possible expedition to those which they have resolved

18 Caroli.

A Declaration of both Houses touching Church-Government, April the 9th.

King's Offer to go in Person into Ireland, April 8, 1642.



An. 1642.

solved for *Munster* and *Conaught*; and hopes the encouragement which the Adventurers (of whose Interest his Majesty will be always very careful) will hereby receive (as likewise by the lately signing of a Commission for the Affairs of *Ireland*, to such persons as were recommended to him by both Houses of Parliament) will raise full Summs of Money for the doing thereof.

His Majesty hath been likewise pleased (out of his earnest desire to remove all occasions, which do unhappily multiply misunderstandings between him and his Parliament) to prepare a Bill to be offered to them by his Attorney concerning the Militia, whereby he hopes the Peace and Safety of this Kingdom may be fully secured, to the general satisfaction of all Men, without violation of his Majesty's just Rights, or prejudice to the Liberty of the Subject: If this shall be thankfully received, he is glad of it; if refused, he calls God, and all the World to judge, on whose part the default is: One thing his Majesty requires (if this Bill be approved of) that if any Corporation shall make their lawful Rights appear, they may be reserved unto them.

Before his Majesty shall part from *England*, he will take all due care to intrust such Persons with such Authority in his absence, as he shall find to be requisite for the peace and safety of this Kingdom, and the happy Progress of this Parliament.

The Petition of the Lords and Commons, presented to his Majesty by the Earl of *Stamford*, Mr. *Chancellour* of the *Exchequer*, and Mr. *Hungerford*, Esq; April 28, 1642.

May it please your Majesty,

The Two Houses Petition the King not to go into *Ireland*, Apr. the 28th, 1642.

**Y**OUR Majesty's most Loyal and Faithful Subjects, the Lords and Commons in Parliament, have duly considered the Message received from your Majesty concerning your purpose of going into *Ireland* in your own Person, to prosecute the War there with the Bodies of your English Subjects, levied, transported, and maintained at their Charge, which you are pleased to propound to us, not as a matter wherein your Majesty desires the Advice of your Parliament, but as already firmly resolved on, and forthwith to be put in execution, by granting out Commissions for the levying of two thousand Foot, and two hundred Horse for a Guard for your Person, when you shall come into that Kingdom; wherein we cannot chuse but, with all reverence and humility to your Majesty observe, that you have declined your great Council, the Parliament, and varied from the usual course of your Royal Predecessors; that a business of so great Importance, concerning the Peace and Safety of all your Subjects, and wherein they have a special interest by your Majesty's promise, and by those great Summs which they have disbursed, and for which they stand engaged, should be concluded and undertaken without their Advice: Whereupon we hold it our duty to declare, That if at this time your Majesty shall go into *Ireland*, you will very much endanger the Safety of your Royal Person and Kingdoms, and of all other States, professing the Protestant Religion in Christendom, and make way to the execution of that cruel and bloody design of the Papists every where to root out and destroy the Reformed Religion, as the Irish Papists have in a great part already effected in that Kingdom, and in all likelihood would quickly be attempted in other places, if the Consideration of the Strength and Union of the two Nations of *England* and *Scotland* did not much hinder and discourage the execution of any such Design. And that we may manifest to your Majesty the Danger and Misery which such a Journey and Enterprize would produce, we present to your Majesty the Reasons of this our humble Opinion and Advice.

1. Your Royal Person will be subject, not only to the Casualty of War, but to the secret Practices and Conspiracies; especially your Majesty continuing your Profession to maintain the Protestant Religion in that Kingdom, which the Papists are generally bound by their Vow to extirpate.

2. It will exceedingly encourage the Rebels, who do generally profess and declare, That your Majesty doth countenance their Proceedings, and that this Insurrection was undertaken by the Warrant of your Commission, and it will make good their expectation of great advantage by your Majesty's presence at this time of so much distraction in this Kingdom, whereby they may hope we shall be disabled to supply the War there; especially there appearing less necessity of your Majesty's going thither at this time, by reason of the manifold Successes which God hath given against them.

3. It will much hinder and impair the means whereby this War is to be supported, and



and increase the Charge of it, and in both these respects, make it more insupportable to your Subjects: And this we can confidently affirm, because many of the Adventurers, who have already subscribed, do, upon the knowledge of your Majesty's Intention, declare their Resolution, not to pay in their Money; and others very willing to have subscrib'd, do now profess the contrary.

4. Your Majesty's Absence must necessarily very much interrupt the Proceedings of Parliament, and deprive your Subjects of the benefit of those farther Acts of Grace and Justice, which we shall humbly expect from your Majesty for the establishing of a perfect Union, and mutual Confidence betwixt your Majesty and your People, and procuring and confirming the Prosperity and Happiness of both.

5. It will exceedingly increase the Jealousies and Fears of your People, and render their doubts more probable of some force intended by some evil Counsels near your Majesty, in opposition of the Parliament, and favour of the malignant Party of this Kingdom.

6. It will bereave your Parliament of that advantage, whereby they were induced to undertake this War, upon your Majesty's promise, that it should be managed by their Advice; which cannot be done, if your Majesty, contrary to their Counsels, shall undertake to order and govern it in your own Person.

Upon which, and divers other reasons, we have resolved by the full and concurring agreement of both Houses, that we cannot with discharge of our Duty, consent to any Levies, or raising of Soldiers to be made by your Majesty for this your intended expedition into Ireland, or to the Payment of any Army or Soldiers there, but such as shall be employed and governed according to our advice and direction; and that if such Levies shall be made by any Commission of your Majesty (not agreed to by both Houses of Parliament) we shall be forced to interpret the same to be raised to the terror of your People, and disturbance of the publick Peace, and hold our selves bound by the Laws of the Kingdom, to apply the Authority of Parliament to suppress the same.

And we do farther most humbly declare, That if your Majesty shall by ill Counsel be perswaded to go contrary to this Advice of your Parliament (which we hope your Majesty will not) we do not in that case hold our selves bound to submit to any Commissioners which your Majesty shall chuse; but do resolve to preserve and govern the Kingdom by the Council and Advice of Parliament for your Majesty and your Posterity, according to our Allegiance, and the Laws of the Land.

Wherefore we do most humbly pray, and advise your Majesty to desist from your intended Passage into Ireland, and from all Preparation of Men and Arms, tending thereunto, and to leave the management of that War to your Parliament, according to your Majesty's Promise made unto us, and your Royal Commission, granted unto your great Seal of England, by Advice of both Houses, in prosecution whereof, by God's Blessing, we have already made a prosperous entrance by many defeats of the Rebels, whereby they are much weakened and disheartened, and have no probable means of subsistence, if our Proceedings shall not be interrupted by your Majesty's Journey, but that we may hope, upon good Grounds, that within a short time, without hazard of your Majesty's Person, and so much dangerous confusion to your Kingdoms (which must needs ensue) if you should proceed in this Resolution, we shall be enabled fully to vindicate your Majesty's Right and Authority in that Kingdom, and punish those horrible, outrageous cruelties, which have been committed, in the murdering and spoiling so many of your Subjects; and bring that Realm to such a condition, as may be much for the advantage of your Majesty and this Crown, the honour of your Government, and contentment of your People; for the better and more speedy effecting whereof, we do again renew our humble Desires of your Return to your Parliament, and that you will please to reject all Counsels or Apprehensions, which may any way derogate from that Faithfulness and Allegiance, which in truth and sincerity we have always born and professed to your Majesty, and shall ever make good to the uttermost with our Lives and Fortunes.

*His Majesty's Answer to the Petition of the Lords and Commons to dissuade him from going into Ireland.*

**W**E are so troubled and astonished to find the unexpected Reception, and Misunderstanding of our Message of the 8th. of April, concerning our Irish Journey, that being so much disappointed of the approbation and thanks we looked for to that Declaration; we have great cause to doubt whether it be in our power to say or do any thing, which shall not fall within interpretation; but as we have in that Message called God to witness the Sincerity of the Profession of our only ends for the undertaking that Journey, so we must

H h h h appeal

18 Caroli.

King's Reply touching his going to Ireland.



An. 1642.

appeal to all our good Subjects, and the whole World, whether the Reasons alledged against that Journey be of weight to satisfie our understanding, or the Counsel presented to dissuade us from it, be full of that duty as is like to prevail over our affections.

For our resolving of so great a Business without the Advice of our Parliament, we must remember you, how often by our Messages, we made the same offer, if you would advise us thereunto, to which you never gave us the least Answer, but in your late Declaration told us, That you were not to be satisfied with words: So that we had reason to conceive you rather avoided (out of regard to our Person) to give us Counsel to run that hazard, than that you disapproved the Inclination; and what greater comfort or security, can the Protestants of *Christendom* receive than by seeing a Protestant King venture and engage his Person for the defence of that Profession, and the suppression of Popery, to which we solemnly protested in that Message never to grant a Toleration upon what pretence soever, or an Abolition of any of the Laws, there in force against the Professors of it. And when we consider the great calamities, and unheard of cruelties, our poor Protestant Subjects in that Kingdom have undergone for the space of near, or full six Months, the growth and increase of the strength of those barbarous Rebels, and the evident probability of Foreign Supplies, (if they are not speedily suppressed) the very slow Succours hitherto sent them from hence; that the Officers of several Regiments, who have a long time been allowed entertainment from you for that service, have not raised any Supply or Succour for that Kingdom; that many Troops of Horse have long lain near *Chester* untransported, that the Lord Lieutenant of *Ireland*, on whom we rely'd principally for the conduct and managing of Affairs there, is still in this Kingdom, notwithstanding our earnestness expressed that he should repair to his command; and when we consider the many and great scandals raised upon our self by report of the Rebels, and not sufficiently discountenanced here, notwithstanding so many professions of ours, and had seen a Book lately printed by the Order of the House of Commons, intituled, *A Remonstrance of divers remarkable Passages concerning the Church and Kingdom of Ireland*; wherein some Examinations are set down, which (how improbable or impossible soever) may make an impression in the minds of many of our weak Subjects. And lastly, when we duly weigh the dishonour which will perpetually lie upon this Kingdom, if full and speedy relief be not dispatched thither, we could nor cannot think of a better way to discharge our duty to Almighty God for the defence of the true Protestant Profession, or to manifest our affection to our Three Kingdoms for their preservation, than by engaging our Person in this Expedition, as many of our Royal Progenitors have done, even in Foreign Parts, upon Causes of less Importance and Piety, with great honour to themselves, and advantage to this Kingdom; and therefore we expected at least, thanks for such our Inclination.

For the danger to our Person; We conceive it necessary and worthy of a King to adventure his life to preserve his Kingdom; neither can it be imagined, that we will sit still and suffer our Kingdoms to be lost, and our good Protestant Subjects to be massacred without exposing our own Person to the utmost hazard for their Relief and Preservation; our life, when it was most pleasant, being nothing so precious to us, as it is, and shall be to govern and preserve our People with Honour and Justice.

For any encouragement to the Rebels, because of the Reports they raised; we cannot conceive that the Rebels are capable of greater terror than by the presence of their lawful King in the Head of an Army to chastise them: Besides, it will be an unspeakable advantage to them, if any reports of theirs could hinder us from doing any thing which were fit for us to do, if such Reports we not raised; this would quickly teach them in this jealous Age to prevent by such Reports any other Persons coming against them, whom they had no mind should be employed.

We marvel that the Adventurers, whose advantage was a principal Motive (next the reason before-mentioned) to us, should so much mistake our purpose, whose interest, we conceive, must be much improved by the Expedition, we hope (by God's Blessing) to use in this Service: This being the most probable way for the speedy Conquest of the Rebels; their Lands are sufficiently secured by Act of Parliament.

We



‘ We think not our self kindly used, that the Addition of so few Men to your Levies (for a guard to our Person in *Ireland*) should be thought fit for your refusal: And much more, that having used so many cautions in that Message, both in the smallness of the Number; in our having raised none until your Answer; in their being to be raised only near their place of Shipping; in their being there to be armed, and that, not till they were ready to be shipped; in the Provision, by the Oaths, that none of them should be Papists (all which appears sufficient to destroy all grounds of Jealousie of any force intended by them in opposition to the Parliament, or favour to any malignant Party) any suspicion should notwithstanding be grounded upon it.

‘ Neither can it be understood; that when we recommended the managing of that War to you, that we intended to exclude our self, or not to be concerned in your Councils, that if we found any Expedient (which in our Conscience or Understanding we thought necessary for that great Work,) we might not put it in practice. We look upon you as our great Council, whose Advice we always have and will (with great regard and deliberation) weigh and consider: But look upon our self, as neither deprived of our understanding, or divested of any right we had, if there were no Parliament sitting, we called you together by our own Writ and Authority (without which you could not have met) to give us faithful Council about our great Affairs: But we resigned not up our own Interest and Freedom. We never subjected our self to your absolute determination. We have always weighed your Councils as proceeding from a Body entrusted by us: And when we have dissented from you, we have returned you the Reasons, which have prevailed with our Conscience and Understanding, with that Candour, as a Prince should use towards his Subjects, and that Affection, which a Father can express to his Children, what application hath been used to rectifie our Understanding by Reasons, or what Motives have been given to perswade our Affections, we leave all the World to judge: And then we must tell you, however, a major part may bind you in matter of opinion, we hold our self (as we are by the Law, and sure the Constitution of this Kingdom hath always held the same) as free to dissent (till our Reason be convinced for the general good) as if you deliver’d no opinion. For our Journey it self, the Circumstances of your Petition are such, as we know not well what Answer to return, or whether we were best to give any: That part which pretends to carry reason with it, doth no way satisfy us: The other, which is rather reprehension and menace, than advice, cannot stagger us. Our Answer therefore is, That we shall be very glad to find the work of *Ireland* so easie as you seem to think it; which did not so appear by any thing known to us, when we sent our Message. And though we will never refuse, or be unwilling to venture our Person for the good and safety of our People, we are not so weary of our life, as to hazard it impertinently. And therefore since you seem to have received Advertisements of some late and great Successes in that Kingdom, we will stay some time to see the event of these, and not pursue this Resolution, till we have given you a second notice. But if we find the miserable Condition of our poor Subjects of that Kingdom be not speedily relieved, we will (with God’s assistance) visit them with Succours, as our particular Credit and Interest can supply us with, if you refuse to joyn with us. And we doubt not but the Levies we shall make (in which we will observe punctually the former, and all other cautions, as may best prevent all fears and jealousies, and to use no power but what is Legal) will be so much to the satisfaction of our Subjects, as no person will dare presume to resist our Commands, and if they should, at their peril be it. In the mean time we hope our forwardness so remarkable to that Service, shall be notorious to all the World, and that all scandals laid on us in that business shall be clearly wiped away.

‘ We were so careful that our Journey into *Ireland* should not interrupt the Proceedings of Parliament, nor deprive our Subjects of any Acts of Justice or further Acts of Grace, for the real benefit of our People, that we made a free offer of leaving such power behind, as should not only be necessary for the Peace and Safety of the Kingdom, but fully provide for the happy Progress of the Parliament, and therefore we cannot but wonder, since such power hath been always left here by Commission for the Government of this Kingdom, when our Progenitors have been out of the same, during the



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fitting of Parliament: And since your selves desired that such a Power might be left here by us at our last going into *Scotland*, what Law of the Land have now found to dispence with you, from submitting to such Authority, legally derived from us, in our absence; and to enable you to govern this Kingdom by your own meer Authority.

For our return towards *London*, we have given you so full an Answer in our late Declaration, and in Answer to your Petition presented to us at *York* the 20th. of *March* last, that we know not what to add, if you will not provide for our security with you, nor agree to remove to another place, where there may not be the same Danger to us. We expected that (since we have been so particular in the Causes and Grounds of our Fears) you should have sent us word, That you had published such Declarations against future Tumults and unlawful Assemblies, and taken such Courses for the Suppressing of Seditious Sermons and Pamphlets, that our Fears of that kind might be laid aside, before you should press our Return.

To conclude, We could wish that you would (with the same strictness and severity) weigh and examine your Messages and Expressions to us, as you do those you receive from us; for we are very confident, that if you examine our Rights and Privileges by what our Predecessors have enjoyed, and your own Addresses, by the usual Courses of your Ancestors; you will find many expressions in this Petition warranted only by your own Authority, which indeed, we forbear to take Notice of, or to give Answer to, lest we should be tempted (in a just Indignation) to express a greater Passion, than we are yet willing to put on. God in his good time (we hope) will so inform the hearts of our Subjects, that we shall recover from the mischief and danger of this distemper, on whose good pleasure we will wait with all patience and humility.

A Letter sent to his Majesty from the Lords Justices, and Council in *Ireland*, April 23, 1642.

Concerning his Majesty's Resolution to go into *Ireland*.

May it please Your most Excellent Majesty,

Letter of the Justices in *Ireland* touching his Majesty's going into that Kingdom April 23.

BY your Majesty's Gracious Letters of the 13th. of this Month, and a Copy of your Majesty's Message sent lately to your Parliament in your Kingdom of England (both which came to the hands of us your Justices, on the 18th. of this Month) we observe that your Majesty, out of a just sense of the great miseries and afflictions of your distressed Subjects in this your Kingdom of *Ireland*, occasioned by the inhumane cruelties of the Rebels here, and out of your tender and gracious care of your good Subjects on this side, hath firmly resolved (by the assistance of Almighty God) with all possible speed to make a Journey hither, in your own Royal Person, for the full and final suppressing of this Rebellion. Those Letters and Message, we your Majesty's Justices then immediately communicated with the Council, as we always do all matters of Importance concerning your Sacred Majesty's Service; and caused the Copy sent us of your Message to your Parliament in England to be printed here, so to make known here your Majesty's gracious Purpose, as you commanded us.

And we all jointly do humbly beseech your Majesty to give us leave to cast ourselves at your Majesty's feet, and (with the Duty and Loyalty of faithful Subjects) most humbly and thankfully to acknowledge to your Sacred Majesty, as well your continued Grace and Goodness upon all Occasions expressed to this your Kingdom, and all your Subjects therein, and amongst them, even to those wretched Rebels themselves heretofore, when they stood in the Condition of good Subjects, though they want the gratitude to be sensible of it, as particularly, this high addition of your Majesty's gracious Favour to us, in not sparing the pains, or hazard even of your own Royal Person for the suppressing of this hideous Rebellion, and punishment of these ungrateful and treacherous Rebels, who are thus unnaturally risen in Arms against your Majesty, expressed such unparallel'd hatred and detestation against your Government and Nation spilt (unprovoked) the blood of so many thousands of your faithful and innocent Subjects, destroy'd the Estates of all British and Protestants in the Kingdom; and (which is above all) as appears by several examinations, and many other concurring Circumstances here, notwithstanding all their false and feigned pretences to disguise their wicked and traiterous Purposes, aimed finally at no less (which we tremble to write, and cannot think without horror and astonishment at their impiety) than even to deprive you of your Royal Crown and Dignity, and to place over them some of themselves,



selves, or some Foreign Prince, and so altogether to shake off the English Government. Wherefore we cannot but rejoice (even in the midst of our present Calamities) to hear your Majesty's Princely Purpose, to take just vengeance on them, for vindicating your Honour, revenging the Blood and Destruction of so many of your faithful Subjects, and securing the future Safety of your Crown and Kingdom.

And as we do thus joyfully apprehend the happiness we are to enjoy by those your Majesty's Royal Purposes, so we hold it agreeable with the Duty of us your Loyal Subjects and Faithful Servants, whom you have advanced to the Honour to serve you as Counsellors to you in this your Kingdom, humbly to present to your Majesty, upon this occasion, the present Estate of your affairs here, and the Condition wherein this Kingdom stands, which we have done by our Letters now sent to Master Secretary Nicholas, to be made known to your Majesty, so that your Majesty understanding them, may on that side provide for supplying our defects here, and rendring safety to your own Royal Person, against these bloody Rebels, as your Majesty in your Excellent Judgment shall think fit, whereby you may (to the Comfort of your good Subjects, and Terror of your Enemies) appear in this Kingdom in that Majesty which is suitable to the Greatness and Wisdom of so mighty a King as God hath appointed you, whom we pray God to bless and prosper with length of Days, and a happy and blessed Government over this, and all other your Kingdoms and Dominions, to the Glory of God, the Honour of your Majesty, and the Joy and Comfort of all your Subjects, and amongst them of us,

From your Majesty's Castle of  
Dublin, April 23, 1642.

Your Majesty's most Loyal and  
most Faithful Subjects and Servants.

This Letter was subscribed by Sir William Parsons, Sir Jo. Borlase, Justices; Earl of Ormond Offory, Earl of Roscommon, Lord Digby, Lord Charles Lambert, Sir Thomas St. John, Rotherham Temple, Sir Francis Willoughby, Sir Adam Loftus, Sir James Ware, Sir George Wentworth, Sir Robert Meredith.

**T**HE Lords and Commons have commanded us to intimate to the Spanish Ambassadour the Advertisment that they have received of certain Ships lying in Dunkirk, laden with Ammunition, ready to sail, intended for the relief of the Rebels in Ireland: This they hold contrary to the Articles agreed upon in the Treaty of Peace between the two Crowns. And therefore the Ambassadour is to be moved from both Houses to send speedily to Dunkirk, and to all other his Master's Dominions, and to the King his Master to make stay of those, and all such Ships as may carry any Supply of Men, Victuals, Money, or any other Aid to his Majesty's Subjects, that at this present are in Rebellion in Ireland, which otherwise will be understood to be a Breach of the Treaties between the Crowns of England and Spain, and so resented by the Parliament.

**T**HE Lord Ambassadour of Spain, Don Allanso de Cardenas having understood what the Lord Fielding of the Lords House, and Sir Thomas Barrington, Baronet, and Sir John Holland, Baronet, of the House of Commons, all three Commissioners for the Parliament, have said in behalf of both Houses, concerning the Advertisment given them, that in the Haven of Dunkirk there were certain Ships laden with Ammunition, ready to take sail, intended for the relief of the Rebels of Ireland, which they hold contrary to the Articles of Peace between the two Crowns. And that they required he should send to Dunkirk, and all other his Majesty's Dominions, and that he should write unto the King his Master, to make stay of those, and all such Ships as may carry supply of Powder, Victuals, Money, or any other Aid to his Majesty's Subjects, that at this present are in Rebellion in Ireland; because otherwise it would be understood to be a breach of the Treaties between the two Crowns, and so resented by the Parliament. The said Ambassadour of Spain answered, That besides the understanding, which he hath of the King his Master's mind and intention to conserve the friendship which he professeth with his Majesty of Great-Britain, he hath express and most particular notice, that the Ships which are now in Dunkirk Haven, laden with Soldiers and Ammunition, and ready to sail, neither are for Ireland, nor were they provided for any such purpose, and that this notice was given him by Don Francisco de Melo, Earl of Assumer, Governour and Captain-General of the States of Flanders, whom the Resident of his Majesty of Great-Britain, that assists in Brussels, assured that he is fully satisfied of their not going for Ireland, as is also his King, who signified so much unto him in a Letter, in which he likewise commanded him to thank the said Don Francisco de

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A Message from a Committee of both Houses to the Spanish Ambassador.

The Spanish Ambassador's Answer.



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de Melo, for denying leave, which certain Irish, serving in those States, had asked to return to their Country, which he denied; to avoid all suspicion, notwithstanding their end for asking it, was unknown. The same Assurance did the same Ambassadour give unto the Commissioners aforesaid of the Parliament, concerning the mentioned Ships in Dunkirk laden with Ammunition and Soldiers, that they are not for Ireland: And he proffered to write to Dunkirk, and all other parts of Flanders, and Dominions of the King his Master; and particularly to his Catholick Majesty, to the end, That the observance of the Articles of Peace, which hitherto have been so religiously observed of the King his Master's part, and his Subjects, may be continued, and that new and strict Orders be given, That no Subjects of his Catholick Majesty, shall dare violate them, against sending any kind of Aids to foster the Insurrection in Ireland, under pain of the punishment imposed upon the Transgressors. And the said Ambassadour, to manifest the sincerity of his Heart, proffered to solicit it with the readiest and most forcible means that lay in his power, hoping (as in reason he should) that his Majesty of Great-Britain, and the Parliament, will for their part punctually observe the same in the aforesaid conformity towards the Rebels of the King his Master, not permitting any kinds of succour or assistance in whatsoever quality to be offer'd them, from these Kingdoms. Renewing for this effect all requisite Orders unto the Officers and Ports of the said Kingdoms, chastising the Transgressors of what is settled in the Peace, with the punishments contained in the Articles of it; that so by reciprocal observance, the good correspondency, which is at this present betwixt these two Crowns of Spain and England, may be assuredly maintained.

*A Special Order of the House of Commons, concerning the Free Offer of the County of Buckingham, towards Relief of Ireland.*

*Die Sabbati 9 April, 1642.*

Order touching the Offer of the County of Bucks, toward the Relief of Ireland, April 9.

**W**Hereas the Gentlemen of the County of Buckingham have offered unto this House freely, to lend six thousand pounds upon the Act of Contribution for the Affairs of Ireland, and to pay in the same before the first day of May next ensuing. This House doth take in very good part that offer, and accept the same, and doth hereby Order, That the said six thousand pounds shall be repaid out of the first monies that shall be raised in that County upon the Bill of four hundred thousand pounds, and Mr. Hampden, Mr. Goodwin, Mr. Winwood, and Mr. Whitlock, are appointed to return thanks to the County of Buckingham from this House for their kind offer and acceptable service.

And it is further Ordered and Declared by this House, That if any other County, or Persons shall do the like, the same will be taken as a very good service to the Common-wealth, and such as will be well accepted by this House; and the monies which they shall lend, shall be repaid unto them with Interest, if they desire it, out of the monies that shall be raised in those Counties, where such Persons inhabit, out of the Bill of four hundred thousand pounds.

And it is further Ordered, That this Order shall be forthwith published.

H. Elsign, Cler. Parliament. Com.

April 9, 1642.

*The Names of such Members of the Commons House of Parliament that Subscribed in pursuance of the Act of Parliament, for the speedy Reducing of the Rebels, and the future Peace and Safety of that Kingdom, together with the Summs by them under-written.*

**M**R. Walter Long 1200 l. Sir Robert Pye 1000. 8 Martii, 1641. Mr. Samuel Vasal 1200. Sir Samuel Rolls of Devon 1000. William Lord Munson 2400. Sir John Harrison 1200. 19 Martii. Sir William Brereton 1000. 21 Martii. Sir Edward Aishcough 600. Mr. John and Mr. Edward Ash 1200. 24 Martii. Sir Gilbert Pickering 600. 25 Martii, 1642. Sir John Clotworthy in money 500. Sir John Clotworthy for his entertainment as Collonel in the Irish wars 500. Mr. Henry Martin 1200. 26 Martii. Mr. Arthur Goodwin 1800. Sir Arthur Haslerig of Leicestershire 1200. Mr. Robert Reynolds 1200. Sir Robert Parkhurst 1000. Sir Thomas Dacres 600. Sir John Potts 600. Sir Arthur Ingram 1000. Dr. Thomas Eden 600. Mr. Oliver Cromwel 500. Mr. Nathaniel Fines 600. Mr. John Pym 600. Sir Walter Earl 600. Mr. Cornelius Holland 600. Sir John Northcott 450. Mr. Roger Matthew 300. Sir Nathaniel Bernardiston 600. Sir William Masham 600. Sir Martin Lomley for Martin Lomley



Lomley his Son Esq; 1200. Mr. Thomas Hoyle of York 600. Mr. Anthony Beddingfield, and Mr. William Cage 700. Sir William Allenson of York 600. Mr. William Hevingham 600. Mr. Herbert Morley 600. Sir William Morley 1200. Sir John Culpepper 600. Sir Edward Patherith 600. Richard Shuttleworth Esq; 600. Mr. John More and Mr. William Thomas 600. Mr. John Lisle 600. Mr. John Blackston 600. Sir Gilbert Gerrard 2000. Mr. Bulstrode Whitlock 600. Sir Edward Momford, and Mr. Richard Harmon 600. Mr. John Trenchard 600. Mr. John Gurdon 1000. Mr. John Barker 1000. Mr. William Harrison 600. 29 Martii. Mr. John Wild Serjeant at Law, and Mr. Thomas Lane 1000. Nathaniel Hallows of Derby for himself and others 1400. John Frankling 600. Mr. George Buller of the County of Cornwall 600. Sir Henry Mildmay 600. 1 April. Mr. Oliver St. John 600. Sir John Wray 600. Sir Thomas Barrington 1200. Mr. Robert Goodwyn, and Mr. John Goodwyn 600. 2 April. Mr. Denzil Hollis 1000. Mr. John Crew 600. Sir John Peyton 600. 4 April. Sir William Plaetors 600. Sir William Strickland 600. Sir Thomas Savin 1000. Alexander and Esq; Bence 600. Mr. John Rolles of Devon 450. Mr. John Hampden 1000. Mr. William Jesson 300. Sir Edward Bainton 600. Thomas Lord Wenman, and Mr. Richard Winwood 1200. 5 April. Sir William Drake 600. Mr. William Spurston 600. Sir John Evelyn of Godstone, in the County of Surrey, for himself and others 1500. 7 April. Mr. Miles Corbet 200. 9 April.

The rest of the Members subscribed at several times afterwards.

But the most eminent Occurrence that happen'd in this Month of April, 1642. being Sir Jo. Hotham's denying his Majesty Entrance into Hull, I thought fit to cast that, and the matter relating thereunto, into a Chapter by it self, as followeth.

## CHAP. V.

*Of Sir Jo. Hotham's denying the King's Entrance into Hull, and the several Papers relating thereunto.*

THE Town of Hull was at first a poor Country Hamlet, consisting of a few straggling Cottages, called by the name of *Wike*; the Inhabitants lived by *Fishing*, it being commodiously situated hard by two Rivers, *Humber* and *Hull*, for that kind of Trade.

The Original and Situation of the Town of Hull.

In process of time the Inhabitants, as they advanced their Estates, so they bettered their Dwellings, and reduced it into the form of a Town, and by degrees converting their Fisher-Boats into Merchant-Ships, it became a Port-Town, and a Place of Merchandize, by which new Trade it increased in Riches and Pomp.

After this it was endowed with many Privileges by several Kings, and in further Favour it was called *Kingston upon Hull*, and made a Corporation, with a County annexed to it, at the first governed by *Bailiffs*, afterwards, and still by a *Mayor* and twelve *Aldermen*; at length they obtained Favour of the King, that the Town might be walled and trenched about, which was done at their own Costs; they made them Four Ports or Gates, *viz.* *Hafell Gate*, *Miton Gate*, *Beverly Gate*, and *North Gate*.

After this, King Henry the Eighth, being informed of the natural strength of the Town, by reason of the commodious situation thereof in an Angle, having *Humber* on the *South-side*, and *Hull* on the *East*, in his Progress into these Northern Parts, turned aside to see the Place, where (for the better security of the Country from Foreign Invasion) he erected two Block-houses on the other side of the River *Hull*, one over-against the *South* end of the Town, hard by the mouth of *Hull*, which commands the River of *Humber*, the other over-against the *North* end, which secures from the Land; and in the mid-way betwixt these he founded a very strong Castle, which commands both the River and the Land. They are so seated, that they can clear one another with their Ordnance from an Enemies Assault, being all well fortified with Guns; from each of these to the other he reared a Wall eight yards high, and five yards thick, of black Stone strongly cemented, the Walls of the Block-houses and Castle being of the same matter and thickness.

Fortified by K. Hen. VIII

The King took such pleasure in the Town and Country adjoining, which was convenient for his Game, that he was a while resident here, and kept his Court in a large and sumptuous House, called the *Mannour*, now the Repository of Arms, or *Magazine* for the Kingdom's Use. Moreover,



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Moreover, for the better fortification of the Town, the Inhabitants built a Fort at the South end, which is very well furnished with Iron Guns, and one brass *Basilisco* 17 Foot long, her weight 7000 l. which at the beginning of the latter Siege was carried to the Walls, which are singularly well fortified with Brals and Iron Guns, both Culverins and Demi-Cannon-Cuts; before the Walls is the *Town-Ditch*, both broad and deep, over which lie three *Draw-Bridges*, viz. at *Miton*, *Beverley*, and *North Gates*, and before each Gate is either a *Hornwork*, a *Half-Moon*, or a *Battery*, and from one to another round about the Walls to both the Rivers, was made in Sir *John Hotbam's* time, a Breast-work for Musqueteers, with a deep Trench before it, over which lie two Draw-Bridges, to wit, at *Beverley* and *North Gates*, the other two Gates are ramm'd up with Earth.

But that which adds further to the strength of the Town, are the *Meadows* and *Moorish Grounds* on every side of the Town, and *Block-houses*, which may for the space of two miles be so overflown with *Salt-water* by cutting the Banks at the Spring-tides, that an Enemy cannot make any near approach, (much less undermine) but by the Banks of the Rivers, except some few Meadows, one on the *West* side by *Humber Banks*, that lie so high, they cannot be drown-ed, there was therefore a *Fort-Royal* made on that quarter, about twenty score from the Walls, to prevent an approach, which after the Lord *Fairfax* came thither, was finished and fortified with Ordnance.

This Town thus situated, was by the State-Politicians deemed the fittest Place in the Northern Parts, for the *Kingdom's Magazine* in the Expedition against the *Scots*. There was therefore sent hither great store of Ammunition, and Arms for about thirty thousand Men both Horse and Foot, all which were in the managing of Captain *Leg*, and his Assigns; and for the future security thereof, as also of the Castle, Forts, and Block-houses, here was planted by the Earl of *Strafford* a Garrison of a 1000 Soldiers, under the Command of Sir *Thomas Glemham*, who continued here almost a year after the pacification betwixt his Majesty and the *Scots*, untill they were dismissed and disbanded by the Parliament, and then Magazine, Castle, Block-houses, and other Forts were committed to the Care of the Townsmen, whose care in Watching and Warding was answerable to their trust.

Afterwards it was thought fit to secure this Town and the Magazine; whereupon the Earl of *Newcastle* was forthwith address'd with Letters in his Majesty's name, full of Clemency to the Townsmen, thereby commanding and requiring, That the Keys of the Ports, Magazine, and Block-houses, might be instantly deliver'd to the said Earl, who, as it seem'd, suspecting what the sequel of that errand might be, desired to pass *unknown*, calling himself Sir *John Savage*, and at his first coming was brought before the Mayor, under that name, till being known by some *By-standers*, he was forc'd to own both his Name and his Errand: But the Mayor, Aldermen, and Townsmen, perceiving an estrangement betwixt the King and his Parliament, and the ground thereof, and knowing the Parliament's Resolution, to establish the Government of that Town in the Hands of Sir *John Hotbam*, demurred upon the business a few days, untill a Letter came from the Parliament to command them to receive Mr. *Hotbam*; hereupon the Townsmen resolv'd upon a Petition to be sent to his Majesty, 'Humbly beseeching that his Majesty would be pleased to agree with his Parliament, concerning that business, that so without Breach of Fealty, or incurring the displeasure of either, they might know in whose hands to entrust the Strength of the Kingdom, together with their own Lives and Estates.' At the same instant was Captain *Leg* also come into the Town, and a strong party bestirred themselves for the Earl, with great expectation of the King's Royal Favour towards the Town thereby, and much Honour and Credit in the Entertainment of so honourable a Personage before a private Gentleman. In the mean while the other party were incessant in their endeavours for the Choice of the other, according to the Order of Parliament, and took care to inform the Parliament concerning the carriage of the Business; the House of Lords immediately sent a Summons for the Earl and Captain *Leg* to attend them at *Westminster*, who departed the Town, and gave over their Claim; the day before came a second Letter from his Majesty, requiring either to receive the Earl, as Governour, or to keep the Town in their own Hands, and the Mayor to be sole Governour.

But

How the Magazine came to be at Hull

King sends the Earl of Newcastle to be Governor of Hull.

The Parliament appoint Sir John Hotbam Governor.

Earl of Newcastle summoned by the Parliament.



But the same day that the Earl departed, Mr. *Hotham* was freely received into the Town, with three Companies of Train'd-Bands, and the Keys of the Ports and the Magazine were surrender'd into his Hands.

Within a few Weeks, Sir *John Hotham* (sent down from the Parliament) be- took him to his Charge, and dismissed his Son, drawing more Companies of the Train'd-Bands of *Yorkshire* into the Garrison, until they amounted to the number of about 800.

The Breaches between the King and his Parliament growing wider, the two Houses Petition his Majesty for leave to remove the Magazine there, to the Tower of *London*, and at the same time several Gentlemen of *Yorkshire* Petition that it may not be removed, as followeth:

The Humble Petition of the Lords and Common to the King, for leave to remove the Magazine of *Hull* to the Tower of *London*; and also to take off the Reprieve of the Six Condemned Priests, now in *Newgate*.

Most Gracious Sovereign,

Your most Dutiful and Loyal Subjects, the Lords and Commons in Parliament Assembled (finding the Stores of Arms and Ammunition in the Tower of *London* much diminished, and that the necessity of Supplies for your Majesty's Kingdom of *Ireland* (for which they have been issued from thence) daily increaseth; and that the occasion for which the Magazine was placed at *Hull* is now taken away; and considering it will be kept here with less Charge, and more Safety, and transported hence with much more convenience for the service of the Kingdom of *Ireland*;

They therefore humbly Pray, that your Majesty will be graciously pleased to give leave, that the said Arms, Cannon, and Ammunition, now in the Magazine at *Hull*, may be removed to the Tower of *London*, according as shall be directed by both your Houses of Parliament.

And whereas six Priests, now in *Newgate*, are condemn'd to dye, and by your Majesty have been Reprieved;

They humbly pray your Majesty to be pleased, that the said Reprieve may be taken off, and the Priests executed according to Law.

WE rather expected (and have done so long) that you should have given us an account why a Garrison hath been placed in our Town of *Hull*, without our consent, and Soldiers there against Law, and exprefs words of the Petition of Right, than to be moved (for the avoiding of a needless Charge you have put upon your selves) to give our consent for the removal of our Magazine and Munition (our own proper goods) upon such general Reasons as indeed give no satisfaction to our Judgment: And since you have made the business of *Hull* your Argument, we would gladly be informed, why our own inclination (on the general rumour of the designs of Papists in the Northern parts) was not thought sufficient ground for Us to put a Person of Honour, Fortune, and unblemish'd Reputation, into a Town and Fort of our own, where our own Magazine lay; and yet the same rumour be warrant enough for you, to commit the same Town and Fort (without our consent) to the Hand of Sir *John Hotham*, with a power unagreeable to the Law of the Land, or the Liberty of the Subject; and yet of this in point of Right and Privilege, (for sure we are not without Privilege too) we have not all this while complained; and confiding that that place (whatsoever Discourse there is of publick or private Instructions to the contrary) shall be speedily given up, if we shall require it, we shall be contented to dispose our Munition there, (as we have done in other Places) for the publick ease and benefit, as upon particular advice, we shall find convenient: Though we cannot think it fit, or consent that the whole Magazine be removed together, but when you shall agree upon such proportions as shall be held necessary for any particular service, we shall sign such Warrants as shall be agreeable to Wisdom and Reason; and if any of them be designed for *Ulster* or *Leinster*, you know well the Conveyance will be more easie and convenient from the place they are now in; yet we must tell you, That if the Fears are so great from the Papists at home or of foreign Force (as is pretended), it seems strange, that you make not provision of Arms and Munition for defence of this Kingdom, rather than seek to carry any more from hence, without some course taken for supply,

18 Caroli.

Mr. *Hotham*  
received into  
*Hull*.Petition to  
remove the  
Magazine  
from *Hull*.His Majesty's  
Answer  
thereunto.



An. 1642.

It was part of  
Pym's Speech  
against the  
Earl of  
Strafford.

especially if you remember your engagement to our *Scotch* Subjects, for that proportion of Arms which is contained in your Treaty. We speak not this, as not thinking the sending of Arms to *Ireland* very necessary, but only for the way of the provision; for you know what great quantities we have assigned out of our several Stores, which in due time, we hope, you will see replenished: For the charge of looking to the Magazine at *Hull*, as it was undertaken voluntarily by you at first, and (to say no more) unnecessarily, so you may free our good People of that Charge, and leave it to us to look to, who are the proper owner of it. And this, we hope, will give you full satisfaction in this point, and that you do not (as you have done in the business of the Militia) send this Message out of complimentary Ceremony, resolving to be your own Carvers at last. For we must tell you; if any attempt, or direction shall be made or given in this matter without our consent or approbation, we shall esteem it as an act of violence against us, and declare it to all the World as the greatest violation of our Right, and breach of our Privilege.

Concerning the six Priests condemned, it is true, they were reprieved by our Warrant, being informed that they were (by some restraint) disabled to take the benefit of our former Proclamation: Since that, we have issued out another for the due execution of the Laws against Papists, and have most solemnly promised in the Word of a King, *never to pardon any Priest (without your consent)* which shall be found guilty by Law; desiring to banish these, having herewith sent a Warrant to that purpose, if upon second thoughts you do not disapprove thereof, but if you think the execution of these Persons so very necessary to the great and pious Reformation, we refer it wholly to you; declaring hereby, that upon such your Resolution signify'd to the Ministers of Justice, our Warrant for their Reprieve is determined, and the Law to have its course.

And now let us ask you (for we are willing to husband time, and to dispatch as much as may be under one Message: God knows, the distractions of this Kingdom want a present Remedy) will there never be a time to offer too, as to ask of us? We will propose no more particulars to you, having no luck to please, or be understood by you, take your own time for what concerns our particular: But be sure you have an early, speedy care of the Publick, the Law of the Land; preserve the Dignity and Reverence due to that. It was well said in a Speech made by a private Person; but published by Order of the House of Commons this Parliament. *The Law is that which puts a difference betwixt good and evil, just and unjust. If you take away the Law, all things will fall into confusion, every Man will become a Law unto himself, which in the depraved condition of humane Nature, must produce many great enormities: Lust will become a Law, and envy will become a Law; covetousness and ambition will become Laws, and what dictates, what decisions, such Laws will produce, may easily be discerned.* So said that Gentleman, and much more very well in defence of the Law and against Arbitrary Power. It is worth looking over and considering; and if the most zealous defence of the true Protestant Profession, and the most resolved Protection of the Law, be the most necessary Duty of a Prince, we cannot believe this miserable distance and misunderstanding can be long continued between us, we having often and earnestly declared them to be the chiefest Desires of our Soul, and the end and rule of all our Actions.

For *Ireland* we have sufficiently, and we hope satisfactorily expressed to all our good Subjects our hearty sense of that sad business, in our several Messages on that Argument, but especially in our last of the 8th of this Month concerning our Resolution for that Service; for the speedy, honourable and full performance whereof, we conjure you to yield all possible assistance, and present advice.

The humble Petition of the Gentry and Commons of the County of *York* to the King, that the Arms and Ammunition at *Hull* may not be removed.

Most Royal Sovereign,

Encouraged by your Majesty's many testimonies of your gracious goodness to us, and our County; which we can never sufficiently acknowledge; We in all Duty and Loyalty of Heart address our selves to your Sacred Majesty, beseeching you to cast your eyes and thoughts upon the safety of your own Person and your Princely Issue, and this whole



whole County, a great means of which we conceive doth consist in the Arms and Ammunition at Hull, placed there by your Princely Care and Charge, and since upon general apprehension of dangers from foreign Parts represented unto your Majesty, thought fit as yet to be continued. We for our parts conceiving our selves to be still in danger, do most humbly beseech your Majesty, you will be pleased to take such Course and Order, that your Magazine may still there remain, for the better securing of these and the Northern parts: And the rather because we think it fit that that part of the Kingdom should be best provided, where your Sacred Person doth reside, your Person being like David's, the Light of Israel, and more worth than ten thousands of us; Who shall daily pray, &c.

An. 1642.

Not long after this, His Majesty continuing his Residence at York, on the 22d of April, 1642. there came to Hull the Duke of York, the Prince Elector, the Earl of Newport, the Lord Willoughby, and some other Persons of Honour with their attendants to see the Town, who were respectfully entertained by the Major and the Governour, who spending that Day in viewing the Beauty and Strength of the Place, were invited to a Banquet by the Major, and to Dinner by the Governour the next day (being St. George's Day;) but a little before Dinner-time, Sir John Hotham being busie in his entertainment of their Highnesses, was suddenly saluted by Sir Lewis Dives with a Message from his Majesty, that he also intended to Dine with him that day, being then within four Miles of Hull with three hundred Horse and upwards, whereat being startled for the present, he consulted with Master Pelham, a Member of the House, and Alderman of Hull, and with some others what to do, whereupon, a Messenger was thought fit to be forthwith sent to his Majesty, humbly to beseech him to forbear to come, forasmuch as he could not without betraying the Trust committed to him, set open the Gates to so great a Guard as he came attended withal; upon the return of the Messenger, who certified concerning the King's advance towards the Town, he drew up the Bridge, and shut the Gates, and commanded the Soldiers to stand to their Arms round about the Walls.

King demands entrance into Hull the 23d. of April, 1642.

About Eleven of the Clock his Majesty with his attendants came to the Gate of the Town called Beverley-Gate, where calling for Sir John Hotham, he commanded the Gate to be opened; whose frequent Answer to that re-iterated command was, That he was intrusted by the Parliament, for the securing of the Town for his Majesty's Honour, and the Kingdoms use, which he intended by God's help to do; and herein he desired his Majesty not to misinterpret his action, protesting his Loyalty, and proffering that if his Majesty would be pleased with the Prince and twelve more to come in, he should be very welcome, otherwise he could not, without betraying his Trust to the State, admit entrance to so great a Guard. But his Majesty refusing to enter without his whole train, about one of the Clock the Duke and the Prince Elector with their attendants, went forth to his Majesty, who departed not from the Gates 'till four of the Clock. During all which time not the least disturbance was offered to Sir John Hotham or his Soldiers, from the Townsmen, although they exceeded their Numbers, but rather encouragement and offers of assistance, if need should require. About five of the Clock, having given to Sir John Hotham one hour to consider what he did, his Majesty returned to the Gate, and receiving the same Answer as before, he commanded Sir John Hotham to be proclaimed Traytor by two Heralds at Arms, and then retreated to Beverley, six miles off, where he lodged that Night. And the next Morning sent again an Herald and some others with Conditions of Pardon, if yet he would open the Gates: But the same Answer being returned as before, his Majesty advanced forwards towards York, and the same Night dispatch'd the following Message to the two Houses:

Is denied by Hotham.

**H**IS Majesty having received the Petition inclosed from most of the chief of the Gentry near about York, desiring the stay of his Majesty's Arms and Munition, in his Magazine at Hull, for the Safety, not only of his Majesty's Person and Children, but likewise of all these Northern Parts (the manifold Rumours of great Dangers inducing them to make their said Supplication) thought it most fit to go himself in Person to his Town of Hull, to view his Arms and Munition there; that thereupon he might give directions, what part thereof might be necessary to remain there, for the security and satisfaction of his Northern Subjects, and what part thereof might be spared for Ireland; the arming of his Majesty's Scots Subjects, that are to go thither; or

His Majesty's Message April 24. to the Parliament, concerning Sir John Hotham's refusal to give him entrance into Hull.



An. 1642.

to replenish his chief Magazine of the *Tower of London*, where being come upon the 23<sup>d</sup>. of this instant *April*, much contrary to his expectation, he found all the Gates shut upon him, and the Bridges drawn up by the express Command of Sir *John Hotham* (who for the present commands a Garrison there) and from the Walls flatly denied his Majesty entrance into his said Town, the Reason of the said Denial being as strange to his Majesty, as the thing itself; it being, that he could not admit his Majesty without Breach of Trust to his Parliament, which did the more incense his Majesty's anger against him, for that he most seditiously and traiterously would have put his disobedience upon his Majesty's Parliament, which his Majesty being willing to clear, demanded of him, if he had the Impudence to averr, That the Parliament had directed him to deny his Majesty entrance, and that if he had any such Order that he should shew it in Writing; for otherwise his Majesty could not believe it, which he could no ways produce, but maliciously made that false Interpretation according to his own Inferences, confessing that he had no such positive Order which his Majesty was ever confident of; but his Majesty not willing to take so much pains in vain, offered to come into that his Town, only with twenty Horse, finding, that the main of his pretence lay that his Majesty's train was able to command the Garrison. Notwithstanding his Majesty was so desirous to go thither in a private way, that he gave warning thereof but over-night; which he refusing, but by way of condition (which his Majesty thought much below him) held it most necessary to declare him Traytor, (unless, upon better thoughts, he should yield obedience) which he doubly deserved; as well for refusing entrance to his natural Sovereign, as by laying the Reason thereof groundlessly and maliciously upon his Parliament.

One Circumstance his Majesty cannot forget, That his Son, the Duke of *Tork*, and his Nephew, the Prince *Elect*or, having gone thither the Day before, Sir *John Hotham* delayed the letting of them out to his Majesty till after some Consultation.

Hereupon his Majesty hath thought it expedient to demand Justice of his Parliament against the said Sir *John Hotham*, to be exemplarily inflicted upon him according to the Laws; and the rather, because his Majesty would give them a fit occasion to free themselves from this imputation, by him so injuriously cast upon them, to the end his Majesty may have the easier way for the chastising of so high a Disobedience.

To Our trusty and well-beloved, the Mayor, Aldermen, and Burgeses of Our Town and Port of *Kingston upon Hull*.

His Majesty's  
Letter to the  
Mayor of  
*Hull*. *April*  
25, 1642.

**T**Rusty and well-beloved, we greet you well. Whereas we have been long sensible of the just complaints and great burdens of our Subjects in these Northern parts, by occasion of the Garrison in our Town of *Hull*; and whereas we were upon Friday the 22<sup>d</sup>. of this month petitioned by divers of the Gentry, and others, Inhabitants of this County, that the Munition at *Hull* might remain in the Magazine there, for the security of our Person, and of all these Northern parts, their fear, being much grounded upon the Parliaments Relations of Foreign Invasions; upon which, the more to express our care of our Peoples safety, we did our self go in Person to that our Town, that upon our own view, we might consult what proportion of it might fitly be removed upon any pressing occasion, having a respect to the promised Supply for *Scotland*, the necessary use of Arms for *Ireland*, as well as for the safe-guard and satisfaction of these Northern parts: But much contrary to our expectation, and the Duty and Allegiance of our Subjects, we found the Gates of that our Town shut, and the Bridge drawn up against us; and tho' we came in a peaceable way, reposing the greatest confidence in the Love and Loyalty of our People, by offering (as we did) to put our own Person, and our two Sons, but with twenty Horse, into that Town, there being in it a Garrison of about eight hundred Soldiers; yet we were not only deny'd entrance, but in a warlike manner opposed by Sir *John Hotham*, the armed men being placed in all the Ports, and about all the Walls of the Town, alledging (though falsely) for his excuse, the command of the Parliament, and being pressed by us to shew such an Order in Writing, he could not do it; for we were ever confident that there were never any publick Order of theirs, that could so much as imply a denial to our admission; we knowing well enough, that he was intrusted by them for a guard and security of that place against Foreign Enemies, or those at home who are disaffected in Religion, and not against his natural Sovereign, which hostile opposition and actual



actual levying of a War against our Person, being by the Statute of 25 Edw. III. enacted High-Treason: Which Statute consider'd, and that for the avoiding of all Jealousies, as we have said, we were content to have been admitted with so very small a number in our Company; we were thereupon constrained to proclaim the said Sir John Hotham, and all those that should adhere to, or assist him, Traytors. Of all which abovesaid Passages, we have acquainted our Parliament, demanding Justice to be done upon him, that they might thereby have opportunity to vindicate the imputation laid on them by Sir John Hotham, and we the easier way to chastise according to the Law so high a Treason. And lest a misunderstanding of our Intentions, or of the Law, may misguide any of our well-affected Subjects, the Inhabitants, Captains, Officers, or Soldiers in that Town; we have thought fit to commend to your Consideration the afore-named Statute with that of the 11 of Hen. VII. Chap. 1.

Wherein it is declared by the unanimous Assent of Parliament, That the Subjects of this Realm are bound, by the duty of Allegiance, to serve the King, for the time being, for the defence of his Person and the Land, against every Rebellion, Might, or Power raised against him, and with his Majesty to enter or abide in Service and in Battle if cause so require: And it was therefore then Enacted, That from thenceforth no Person whatsoever that shall attend upon the King, or be in place by his Command within or without the Land, that for the same Deed and true Service of Allegiance, he, and they be no ways attaint or convict of High-Treason, or of other Offences for that Cause, by any Process of Law, whereby he, or any of them shall lose or forfeit Lives, Lands, Tenements, Goods, or any Thing; but he, for that Deed and Service utterly discharged of any vexation, trouble, or loss; and if any Act or Acts, or other Process of Law thereupon for the same happen to be made contrary to this Ordinance, that then that Act or Acts, or other Process of the Law whatsoever they shall be, stand and be utterly void.

All which together with the Copies of our Message and Petition (which we send here inclosed) we require you to publish to the Inhabitants, and all such Commanders and Soldiers as will hear them: That knowing both the Peril of the Law on the one side, and the Security of such as shall adhere to us on the other, they be not misled (through ignorance) to decline their Allegiance; and that the Soldiers may lay down their Arms, and admit our entrance in a peaceable way. In so doing, you shall both discharge your Duties, and those that shall have need, be assured to find (upon their such submission) our ready mercy and pardon. And we do likewise require, and charge all you, the Inhabitants (as well Soldiers as others) upon your Allegiance, that you permit not any part of our Magazine, or Munition to be removed or transported out of that Town under any pretence of Order or Power whatsoever, without Our Royal Assent in Writing under our Hand, assuring you, that it will be much more pleasing to us to have occasion administred by the fidelity of the Inhabitants to enlarge those Graces and Immunities granted to that Town by Our Predecessors, than to have any occasion to question your Charter.

Given at our Court at York, the 25th. of April, 1642.

**W**E are so much concerned in the undutiful Affront (an indignity all our good Subjects must disdain in our behalf) we received from Sir John Hotham at Hull, that we are impatient till we receive Justice from you; and are compelled to call again for an Answer, being confident (however you would be so careful (though without our consent) to put a Garrison into that our Town, to secure it and our Magazine against any attempt of the Papists) that you never intended to dispose and maintain it against us your Sovereign: Therefore we require you forthwith, for the business will admit no delay) that you take some speedy course, that our said Town and Magazine be immediately deliver'd up unto us, and that such severe exemplary Proceedings be against those Persons (who have offered us this insupportable Affront and Injury) as by the Law is provided: And till this be done, we shall intend no business whatsoever (other than the business of Ireland) for if we are brought into a condition so much worse than any of our Subjects, that whilst you all enjoy your Privileges, and may not have your possessions disturbed, or your Titles questioned, we only may be spoiled, thrown out of our Towns, and our Goods taken from us; 'tis time to examine how we have lost those Privileges, and to try all possible ways, by the help of God, the Law of the Land, and the Affection of our good Subjects, to recover them. and vindicate our self from those Injuries. And if we shall miscarry herein, we shall be the first Prince of this Kingdom that hath done so; having no other end, but to defend the true Protestant Profession, the Law

His Majesty's second Message to the two Houses of Parliament concerning Hull.

of



An. 1642.

Declaration  
of the Hou-  
ses against  
stopping the  
Passages to  
Hull, April 26.

of the Land, and the Liberty of the Subject: And God so deal with us as we continue in those Resolutions.

Die Martis 26. April 1642.

**I**T is declared by the Lords and Commons in Parliament, that the *stopping of the Passages between Hull and the Parliament*, and the *intercepting of Messengers* imployed from the Parliament to Hull, or from any that are in the service of the Parliament, or any Letters whatsoever sent by any, to, or from the Parliament, is a high *Breach of the Privileges of Parliament*, which by the Laws of this Kingdom, and the Protestation, we are bound to defend with our Lives and our Fortunes, and to bring the Violaters thereof to condign Punishment; and hereby all Lords Lieutenants and their Deputies, authorized by the Ordinance of both Houses of Parliament, all Sheriffs, Justices, Bailiffs, Constables, and other Officers whatsoever, are required to give their utmost Aid and Assistance to all that are imployed in the said service, for their better and more speedy, free and safe passage. And to apprehend all such as by colour of any Warrant or other Authority whatsoever, shall endeavour to go about to hinder any that are imployed about, and them to apprehend, and in safe Custody to send up to the Parliament.

Ordered by the Lords and Commons in Parliament, That this Declaration shall be forthwith Printed and Published. Jo. Brown, Cler. Parliament.

Die Martis, April 26. 1642.

Another Or-  
der touching  
the same, and  
for suppress-  
ing of For-  
ces raised to  
force Hull.

Ordered by the Lords and Commons in Parliament, That the Sheriffs and Justices of the Peace of the Counties of *York* and *Lincoln*, and all other his Majesty's Officers shall *suppress all Forces* that shall be raised, or gathered together in those Counties; either to force the said Town of *Hull*, to stop the passengers to, and from the same, or in any other way to disturb the Peace of the Kingdom.

Ordered by the Lords and Commons in Parliament, That this Order shall be Printed and Published forthwith. John Brown, Cler. Parliament.

*The Declaration, Votes, and Order of Assistance of both Houses of Parliament, concerning the Magazine at Hull, and Sir John Hotham, Governour thereof.*

The Houses  
Declaration  
concerning  
Hull and Ho-  
tham, April  
28, 1642.

**T**HE Lords and Commons in Parliament finding just cause to fear, not only the desperate designs of Papists, and others of the malignant Party at home, but also the malice of Enemies, incited by them from abroad, thought it necessary, for the safety of this Kingdom, to secure the Town of *Kingston upon Hull*, being one of the most considerable places for strength, and affording the best conveniency for Landing of Foreign Forces, and where a part of the Magazine of the Kingdom for that time was placed; and for that end appointed Sir *John Hotham*, one of the Members of the House of Commons, being a Gentleman of the same County, of a considerable Fortune, and approved Integrity, to take upon him the Government of the Town, and to draw thither some of the Train'd-Bands, for the guard thereof; in which apprehension and resolution thereupon taken, they are the more confirmed by the sight of some intercepted Letters of the Lord *Digby* (a principal Person of that Party) written to the Queen, and Sir *Lewis Dives*, whereby that Party discovered an endeavour to perswade his Majesty to declare himself, and retire into some place of safety in this Kingdom, in opposition to ways of accommodation with his people; and to give the better opportunity to himself, and other dangerous persons to resort thither; which could have no other end, but to incline his Majesty to take Arms against his Parliament and good Subjects, and miserably to embroil this Kingdom in Civil Wars.

About which time one Captain *Leg* (a man formerly imploy'd in the practice of bringing up the Army against the Parliament) had direction, by Warrant, produced by him, under the King's Hand and Sign Manuel, to enter *Kingston upon Hull*, and to draw thither such of the Train'd-Bands as he should think fit; and that the Earl of *Newcastle* came thither in a suspicious way, and under a feigned Name, and did endeavour to possess himself of the said Town by virtue of the like Warrant and Authority.

They farther conceiving, that the Magazine there being of so great importance to this Kingdom, would be more secure in the Tower of *London*, did humbly petition his Majesty to give his Consent, the same might be moved, which, notwithstanding his Majesty did refuse; and thereupon some few ill-affected persons about the City of *York*, took upon them the presumption, in opposition to the



the Desires, and in contempt of both Houses, to petition his Majesty to continue the Magazine at *Hull*, alledging it to be for the safety of his Majesty (as if there could be a greater care in them, of his Majesty's Royal Person, than in his Parliament); and his Majesty the next day, after the delivery of that Petition, being the 23<sup>d</sup>. of this instant *April*, took occasion thereupon to go to the Town of *Hull*, attended with about 400 Horse (the Duke of *York*, and the Prince Elector being gone thither the day before) and required Sir *John Hotham* to deliver up the Town into his hands; who perceiving his Majesty to be accompanied with such force, as might have mastered the Garrison of the Town; and having received intelligence of an intention to deprive him of his Life, in case the King should be admitted, informed his Majesty of the Trust reposed in him by both Houses of Parliament, and that he could not, without Breach of that Trust, let him in; beseeching his Majesty to give him leave to send to the Parliament to acquaint them with his Majesty's Command, and to receive their directions thereupon, which he would do with all expedition; which Answer his Majesty was not pleased to accept of, but presently caused him and his Officers to be proclaimed Traytors before the Walls of the Town; and thereupon dispatched a Message to both Houses, therein charging Sir *John Hotham* with High-Treason, and aggravating his Offence, because he pretended the Parliaments Command. In the mean while hindring him of all means of intelligence with the Parliament, for his Majesty caused all Passages to be stopped between him and them; and in pursuance of the same, one of his Servants, who was sent by him with Letters to the Parliament, to inform them of the truth of those proceedings, was apprehended, his Letters taken from him, and his Person detained; whereby (contrary to the common Liberty of every Subject) he was not only deprived of means to clear himself of that heavy Accusation, but of all ways of intercourse; either to receive Directions from them that trusted him, or to inform them what had happened.

The Lords and Commons finding the said proceedings to be a high Violation of the Privileges of Parliament (of which his Majesty had in several Messages expressed himself to be so tender) a great infringement of the Liberty of the Subject, and the Law of the Land, which his Majesty had so often lately professed should be his Rule to Govern by, and tending to the endangering of his Majesty's Person, and the Kingdom's Peace; thought fit, as well for the Vindication of their own Rights and Privileges, and the Indemnity of that worthy Person employed by them, as for the Clearing of their own Proceedings, to publish these ensuing Votes, which were made upon a former Relation, that came from the King.

*Die Jovis, April 28, 1642. Resolved upon the Question.*

**T**HAT Sir *John Hotham*, Knight, according to this Relation, hath done nothing but in obedience to the Command of both Houses of Parliament.

*Resolved, &c.* That this declaring Sir *John Hotham* Traytor, being a Member of the House of Commons, is a high breach of the Privilege of Parliament.

*Resolved, &c.* That this declaring Sir *John Hotham* Traytor, without due Process of Law, is against the Liberty of the Subject, and against the Law of the Land.

*The Order of Assistance given to the Committee of both Houses, concerning their going to Hull, April 28, 1642.*

**W**HEREAS the Earl of *Stamford*, the Lord *Willoughby of Parham*, Sir *Edward Ascough*, Sir *Christopher Wray*, Sir *Samuel Owfield*, and Mr. *Hatcher* are by the Lords and Commons in Parliament Assembled, Commanded to make their repair into the Counties of *York* and *Lincoln*, and the Town of *Kingston upon Hull*, for special Service for his Majesty, and the Peace and Safety of the Kingdom; and accordingly have received particular Instructions for their better Directions therein: These are to require all Lords-Lieutenants and their Deputies, Sheriffs, Justices of the Peace, Mayors, Bailiffs, Constables, and all other his Majesty's Officers and Loving Subjects to be Aiding and Assisting unto them upon all Occasions, as need shall require.

*His Majesty's Answer to the Declaration, Votes, and Order of Assistance of both Houses of Parliament, concerning the Magazine at Hull.*

**S**INCE our gracious Message of the 24<sup>th</sup> of *April* last, to both Houses of Parliament (demanding Justice for the high and unheard of Affront offered unto Us, at the Gates of *Hull*, by Sir *John Hotham*) is not thought worthy of an Answer;

18 Caroli.

Votes concerning Sir *John Hotham*, April 28.

Order of Assistance to the Committee at *Hull*, April 28, 1642.

King's Answer to the Declaration, and Vere touching *Hull* and *Hotham*, May 4, 1642.



An. 1642.

fwer; but that instead thereof they have thought fit by their Printed Votes, of  
 the 28th of *April* last, to own and avow that unparallell'd Act of Sir *John Ho-*  
*tham's*, to be done in Obedience to the Command of both Houses of Parlia-  
 ment (tho' at that time he could produce no such Command) and with other  
 Resolutions against our Proceedings there, to publish a Declaration concern-  
 ing that business, as an Appeal to the People; and as if their Intercourse  
 with us, and for our satisfaction, were now to no more purpose; though we  
 know this course of theirs to be very unsuitable to the modesty and duty of  
 former times, and unwarrantable by any Precedents but what themselves  
 have made; yet we are not unwilling to joyn issue with them in this way, and  
 to let all the World know, how necessary, just, and lawful all our proceedings  
 have been in this point, and that the defence of these proceedings is the de-  
 fence of the Law of the Land, of the Liberty and Property of the Subject,  
 and that by the same Rule of Justice, which is now offered to us, all the pri-  
 vate Interest and Title of all our good Subjects to all their Lands and Goods  
 are confounded and destroyed. Mr. *Pym* himself tells you, in his Speech against  
 the E. of *Strafford* (published by Order of the House of Commons) the Law is  
 the safe-guard; the custody of all private interests; your Honours, your Lives,  
 your Liberties and Estates are all in the keeping of the Law, without this every  
 man hath a like right to any thing: And we would fain be answered what Title  
 any Subject of our Kingdom hath to his House or Land, that we have not to our  
 Town of *Hull*? Or what Right hath he to his Money, Plate, or Jewels that we  
 have not to our Magazine or Munition there? If we had ever such a Title, we  
 would know when we lost it. And if that Magazine and Munition (bought  
 with our own Money) were ever ours, when, and how that property went out  
 of us? We very well know the great and unlimited power of a Parliament, but  
 we know as well, that it is only in that sense, as we are a part of that Parlia-  
 ment, without us, and against our consent, the Votes of either, or both Houses  
 together, must not, cannot, shall not (if we can help it, for our Subjects sake,  
 as well as our own) forbid any thing that is enjoyned by the Law, or enjoyn  
 any thing that is forbidden by the Law, but in any such alteration which may  
 be for the peace and happiness of the Kingdom, we have not, shall not refuse  
 to consent; and we doubt not but all our good Subjects will easily discern in  
 what a miserable insecurity and confusion they must necessarily and inevita-  
 bly be, if Descents may be alter'd, Purchases avoided, Assurances and Con-  
 veyances cancelled, the Sovereign Legal Authority despised and resisted by  
 Votes and Orders of either, or both Houses; and this we are sure is our case  
 at *Hull*, and as it is ours to day, by the same Rule it may be theirs to morrow.  
 Against any desperate designs of the Papists, we have sufficiently expressed  
 our zeal and intentions, and shall be as forward to adventure our Life and  
 Fortune to oppose any such Designs, as the meanest Subject in our Kingdom.  
 For the malignant Party, as the Law hath not, to our knowledge, defined  
 their condition, so hath neither House presented them to us under such a noti-  
 on as we may understand whom they intend, and we shall therefore only en-  
 quire after, and avoid the malignant Party, under the Character of persons dis-  
 affected to the peace and government of the Kingdom, and such who (negle-  
 cting and despising the Law of the Land) have given themselves other rules to  
 walk by, and so dispensed with their obedience to Authority: Of these per-  
 sons (as destructive to the Common-wealth) we shall take all possible caution.  
 Why any Letters intercepted from the Lord *Digby* (wherein he mentions a re-  
 treat to a place of safety) should hinder us from visiting our own Fort, and how  
 we have opposed any ways of accommodation with our Parliament, and what  
 ways and overtures have been offer'd in any way, or like any desire of such ac-  
 commodation, or whether our Message of the 20th of *January* last (so often in  
 vain pressed by us) hath not sufficiently expressed our earnest desire of it, let  
 all the world judge, neither is it in the power of any persons to incline us to  
 take Arms against our Parliament, and our good Subjects, and miserably to  
 embroil this Kingdom in Civil Wars. We have given sufficient evidence to  
 the World how much our affections abhor, and our heart bleeds at the appre-  
 hension of a Civil War; and let God and the World judge if our Care and In-  
 dustry be not only to defend and protect the Liberty of the Subject, the Law  
 of the Kingdom, our own Just Rights (part of that Law) and our Honour  
 (much more precious than our Life) and if in opposition to these any Civil  
 War



War shall arise upon whose account the blood and destruction that must follow must be cast, God and our own Conscience tells us that we are to clear.

For Captain *Leg*'s being sent heretofore to *Hull* (tho' by the way this is the first time we ever heard that he was accused for the practice of bringing up the Army against the Parliament, neither do we yet know that there is such a charge against him) or the Earl of *Newcastle*'s being sent hither, by our Warrant and Authority; we asked a Question long ago in our Answer to both Houses concerning the Magazine at *Hull*, which we have cause to think is not easie to be answered: Why the general Rumour of the design of the Papists in the Northern parts should not be thought sufficient ground for us to put such a Person of Honour, Fortune, and unblemish'd Reputation (as the Earl of *Newcastle* is known to be) into a Town and Fort of our own, where our own Magazine lay, and yet the same Rumour be warrant enough to commit the same Town and Fort, without our Consent, to the hands of Sir *John Hotham*, with such a power as is now too well known and understood. How our refusal to have that Magazine removed upon the Petition of both Houses could give an Advantage against us, to have it taken from us; and whether it was a refusal, all men will easily understand who read our Answer to that Petition, to which it hath not been yet thought fit to make any Reply.

For the condition of those persons who presented the Petition to us at *York*, (whom that Declaration calls some few ill-affected persons about the City of *York*,) to continue the Magazine at *Hull*, we make no doubt but that Petition will appear to be attested both in number and weight, by Persons of Honour and Integrity, and much more conversant with the affections of the whole County, than most of those Petitions which have been received with much consent and approbation: And for the presumption of interposing their advice, we the more wonder at that exception, when such encouragement hath been given, and thanks declared to multitudes of mean unknown People, Apprentices, and Porters, who accompanied Petitions of very strange natures.

For the manner of our going to *Hull*, we have clearly set forth the same in our Message to both Houses, of that business, and for any intelligence given to Sir *John Hotham* of an intention to deprive him of his Life, as we know there was no such intention in us, having given him all possible assurance of the same, at our being there; so we are confident no such intelligence was given, or if it were, it was by some Villain, who had nothing but malice, or design to affright him from his due obedience, to warrant him. And Sir *John Hotham* had all the reason to assure himself, that his Life would be in much more danger by refusing to admit his King into his own Town and Fort, than by yielding him that Obedience, which he owed by his Oaths of Allegiance and Supremacy, and the Protestation, and which he well knew was due and warrantable by the Laws of the Land.

For the number of our Attendants (tho' that could be no warrant for such a disobedience in a Subject) it is well known (as we expressed in our Message to both Houses, to which, credit ought to have been given) that we offered to go into the Town with twenty Horse only, our whole train being unarmed, and whosoever thinks that too great an Attendance for our self, and our two Sons, have sure an intention to bring us to a meaner Retinue than they yet will avow.

Here is then our Case, (of which let all the World judge) we endeavoured to visit a Town and Fort of our own, wherein our Magazine lay, a Subject in defiance of us, shuts the Gate, against us, with armed men resists, denies, and opposes our entrance, tells us in plain terms, we shall not come in; we do not pretend to understand much Law, yet in the point of Treason, we have had much learning taught this Parliament, and if the sense of the Statute 25 *Edw. III. Cap. 2.* be not very differing from the Letter, Sir *John Hottham*'s Act was no less than plain High-Treason: And we had been contemptibly stupid if we had (after all those circumstances of Grace and Favour then shewed him) made any scruple to proclaim him Traytor. And whether he be so or no, if he shall render himself, we will require no other Tryal, than that which the Law hath appointed to every Subject, and which we are confident we have not (in the least degree) in those proceedings violated no more than we have done the privilege of Parliament, by endeavouring in a just way to challenge our own unquestionable Privileges; for that in such a case the declaring him Traytor, being a Member of the House of Commons,



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without process of Law, should be a breach of Privilege of Parliament (of which we are sure none extends to Treason, Felony, or Breach of the Peace) against the Liberty of the Subject, or against the Law of the Land, we must have other Reasons than bare Votes.

We would know if Sir John Hotham had (with those Forces by which he kept us out of our own Town of Hull) pursued us to the Gates of York (which he might as legally have done) must we have staid from declaring him Traytor till process of Law might have issued out against him? Will Fears and Jealousies dispence with real and necessary Forms; and must we, when actual War is levy'd upon us, observe Forms, which the Law it self doth not enjoin? The Cause is truly stated, let all the World judge (unless the meer sitting of a Parliament doth suspend all Laws, and we are the only Person in England, against whom Treason cannot be committed) where the fault is: And whatsoever Course we shall be driven to for the vindication of this our Privilege, and for the recovery and maintenance of our known and undoubted Rights, we do promise in the presence of Almighty God, and as we hope for his blessing in our success, that we will to the utmost of our Powers defend and maintain the true Protestant Profession, the Law of the Land, the Liberty of the Subject, and the just Privilege and Freedom of Parliament.

For the order of Assistance given to the Committees of both Houses concerning their going to Hull, we shall say no more, but that those persons named in that Order, we presume will give no Commands, or our good Subjects obey other than what are warranted by Law (how large and unlimited soever the Directions are, or the Instructions may be) for to that Rule we shall apply our own Actions, and by it require an Account from other Men. And that all our good Subjects may the better know their Duty in Matters of this Nature, we wish them carefully to peruse the Statute in the 11th. Year of Henry VII. Chap. 1. We conclude with Mr. Pym's own Words; *If the Prerogative of the King overwhelm the Liberty of the People, it will be turned to Tyranny; if Liberty undermine the Prerogative, it will grow into Anarchy; and so we say into Confusion.*

His Majesty's Letter to the High Sheriff of the County of York, May 5, 1642.

To our Trusty and Well-beloved the High Sheriff of our County of York.

King's Letter  
to the Sheriff  
of Yorkshire  
touching Ho-  
tham, May 5.

**T**rusty and well-beloved, We greet you well; Whereas we understand, that Sir John Hotham takes upon him (without any Legal Authority or Power) to issue Warrants to Constables, and other our Officers, to raise divers of our Train'd-Bands of this our County, and require them to march with their Arms, and to come into our Town of Hull, where he hath disarmed divers of them, keeps their Arms, and discharges the Men; and whereas we are credibly informed, that divers Persons, who were lately Collonels, Lieutenant-Collonels, Captains, and Officers of the Train'd-Bands of this our County, intend shortly to summon, and endeavour to muster the Forces of this our County: For as much as by the Law of the Land, none of our Train'd-Bands are to be Raised or Mustered, upon any Pretence, or Authority whatsoever, but by special Warrant under our own Hand, or by a Legal Writ directed to the Sheriff of the County, or by Warrant from the Lord-Lieutenant, or Deputy-Lieutenants of the County, appointed and authorized by Commission under our Great Seal. And whereas, at present, there is no Lord-Lieutenant, or Deputy Lieutenant legally authorized to Command the Forces and Train'd-Bands of this our County of York, and the Commissions, Command and Power of all Collonels, Lieutenant-Collonels, Captains, and Officers of our Train'd-Bands (which are derived from the Commission and Power of the Lord-Lieutenant only) are now actually void, and of no force and authority. Our Will and Command therefore is, That you forthwith issue Warrants, under your Hand, to all the late Collonels, Lieutenant-Collonels, Captains, and Officers, who while the Lord-Lieutenant's Commission was in force) had the Command of the Train'd-Bands of this our County; and also to all High and Petty Constables, and other our Officers in this our County, whom it may concern; Charging and Commanding them, and every of them, in our Name, and upon their Allegiance, and as they tender the Peace of this our Kingdom, not to Muster, Levy, or Raise, or to Summon, or Warn (upon any Pretence, or Directions whatsoever) any of our Train'd-Bands to Rise, Muster, or March without express Warrant under our Hand, or Warrant from you, our Sheriff, grounded upon a particular Writ to that purpose; which we also Command you, not to put in execution, without our Privy and Allowance, while we shall reside in this our County. And in case any of our Train'd-Bands shall rise or gather together, contrary to this our Command; then we will and command you to charge and require them to dissolve, and retire to their Dwellings.

And



And if, upon due Summons from you, they shall not lay down their Arms and depart to their Dwellings; we will and command you, upon your Allegiance, and as you tender the Peace and Quiet of this your Kingdom, to raise the Power of the County, and suppress them by force, as the Law hath directed, and given you power to do. And to the end that this our express command may be notified to all our good Subjects in this our County, so as none may pretend hereafter to have been misled thro' ignorance: We require you to cause these our Letters to be forthwith read, and published openly in all Churches and Parishes in this our County; herein you may not fail, as you tender the Safety and Honour of Our Person, the Good and Peace of this Our Kingdom, and will answer the contrary at your Peril. For which, this shall be your sufficient Warrant.

Given at Our Court at York the 5th. day of May,  
in the Eighteenth Year of Our Reign.

### To the King's most Excellent Majesty.

*The most Humble Answer of the Lords and Commons in Parliament to two Messages from your Sacred Majesty, concerning Sir John Hotham's refusal to give your Majesty Entrance into the Town of Hull. Presented to His Majesty at York the 9th. of May, 1642.*

**Y**OUR Majesty may be pleased to understand, That we your great Counsel finding manifold evidences of the wicked Counsels and Practices of some in near Trust and Authority about you, to put the Kingdom into a Combustion, by drawing your Majesty into places of strength, remote from your Parliament, and by exciting your People to Commotions, under pretence of serving your Majesty against your Parliament; lest this malignant Party, by the Advantage of the Town and Magazine of Hull, should be enabled to go thro' with their mischievous Intentions, did (in discharge of the great trust that lies upon us, and by that power, which in cases of this nature resides in us) command the Town of Hull to be secured by a Garrison of the adjoynd Train'd-Bands, under the Government of Sir John Hotham, requiring him to keep the same for the Service of your Majesty and the Kingdom, wherein we have done nothing contrary to your Royal Sovereignty in that Town, or Legal Propriety in the Magazine.

Upon consideration of Sir John Hotham's proceeding at your Majesty's being there, we have, upon very good Grounds adjudged, that he could not discharge the trust upon which, nor make good the end for which he was placed in the Guard of that Town and Magazine, if he had let in your Majesty with such Counsellors and Company as then were about you.

Wherefore upon full Resolution of both Houses, we have declared Sir John Hotham to be clear from that odious Crime of Treason, and have avowed, That he hath therein done nothing, but in obedience to the commands of both Houses of Parliament, assuring ourselves, that upon mature Deliberation, your Majesty will not interpret his obedience to such Authority to be an Affront to your Majesty; or to be of that Nature as to require any justice to be done upon him, or satisfaction to be made to your Majesty, but that you will see just cause of joyning with your Parliament in preserving and securing the Peace of the Kingdom, suppressing this wicked and malignant Party, who by false colours and pretensions of maintaining your Majesty's prerogative against the Parliament (wherein they fully agree with the Rebels in Ireland) have been the Causes of all our Distempers and Dangers.

For prevention whereof, we know no better Remedy than settling the Militia of the Kingdom according to the Bill, which we have sent your Majesty without any intention of deserting or declining the validity or observance of that Ordinance, which pass'd both Houses, upon your Majesty's former refusal; but we still hold that Ordinance to be effectual by the Laws of the Kingdom.

And we shall be exceeding glad, if your Majesty by approving these our just, dutiful, and necessary Proceedings shall be pleased to entertain such Counsel, as we assure ourselves (by God's Blessing) will prove very advantageous for the Honour and Greatness of your Majesty, the Safety and Peace of your People; amongst which we know none more likely to produce such good effects, than a Declaration from your Majesty of your purpose to lay aside all thoughts of going into Ireland, and to make a speedy return into these Parts, to be near your Parliament, which, as it is our most humble Desire, and earnest Petition, so shall it be seconded with our most dutiful care for the

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The Houses  
Answer to  
the King's  
two Messages  
touching Hull  
and Hotham,  
May the 9th,  
1642.



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‘ safety of your Royal Person, and constant Prayers, that it may prove honourable and successful in the happiness of your Majesty and all your Kingdoms.

His Majesty's Reply to the Answer of both Houses of Parliament, presented to His Majesty the 9th. of May, to two Messages sent to them from His Majesty concerning Sir John Hotham's Refusal to give his Majesty Entrance into his Town of Hull.

His Majesty's Reply.

**H**IS Majesty was in good hope, that the Reason why you so long deferred your Answer to his Messages concerning Hull, was, That you might the better give him Satisfaction therein, which now adds the more to his astonishment, finding this Answer (after so long Advise ment) to be of that Nature, which cannot but rather increase, than diminish the present Distractions, if constantly adher'd unto by the Parliament. Was it not too much that his Majesty's Town of Hull had a Garrison put into it, to the great Charge of the Country, and Inconvenience of the poor Inhabitants, without his Majesty's consent and approbation, under colour at that time of Foreign Invasions and Apprehensions of the Popish Party; but now the Reasons thereof must be enlarged with a Scandal to his Majesty and his faithful Servants, only to bring in the more specious Pretext for the avowing of Sir John Hotham's Treasonable Insolence.

His Majesty hath often heard of the great Trust, that by God and Man's Law is committed to the King, for the Defence and Safety of his People; but as yet hath never understood what Trust or Power is committed to either, or both Houses of Parliament without the King, they being summoned to Counsel and Advise the King; but by what Law or Authority they possess themselves of his Majesty's proper Right and Inheritance; he is confident that as they have not, so they cannot shew.

His Majesty hitherto hath not given the least interruption to publick Justice; but you, rather than suffer one of your Members to come so much as to a Legal Tryal for the highest Crime, will make use of an Order of Parliament to countenance Treason, by declaring him free from that Guilt, which all former Ages never accounted other; and that, without so much as inquiring the Opinion of the Judges; for his Majesty is confident that you would have mention'd their Opinion, if you had asked the same.

Therefore his Majesty expects, That upon farther and better consideration of the great and necessary Consequence of the Business of Hull, and seriously weighing how much this doth concern the Peace and Quiet of the Kingdom, you will (without farther instance from his Majesty) give him full and speedy Justice against Sir John Hotham; and he leaves all his People to think what hope of Justice there is left for them, when you shall refuse, or delay to give your own Sovereign satisfaction; and (as his Majesty hath already said) till this be done, he will intend no business whatsoever other than that of Ireland.

And his Majesty likewise expects, That in the way you have expressed in this your Answer you will not put the Militia in execution, untill you can shew him by what Law you have Authority to do the same, without his consent; or if you do, he is confident, that he shall find much more obedience, according to Law, than you against Law: And his Majesty shall esteem all those that shall obey you therein, to be Disturbers of the Peace of the Kingdom; and, in due time, call them Legally to a strict Account for the same.

As for Ireland, his Majesty refers you to his former Answer.

And lastly, concerning his Return, he never heard, That the slandering of a King's Government and his faithful Servants, the refusing of him Justice in a Case of Treason, and the seeking to take away his undoubted and legal Authority, under the pretence of putting the Kingdom into a Posture of Defence, were Arguments to induce a King to come near, or hearken to his Parliament.

By the KING.

Proclamation forbidding the Relief of Hull.

**W**hereas our Town and County of Kingston upon Hull, is and hath for some Months last past been withheld from us: And our entrance into the same traiterously resisted and opposed with great force and numbers of armed Men, commanded and directed by Sir John Hotham, who (we understand,) is now labouring to seduce more of our loving Subjects to help and assist him in that odious and traiterous Action.

We do by this Proclamation, straightly Charge and Command all our loving Subjects, that they do not give him any Assistance, Aid, or Succour by their own Persons, or by sending any other thither, or by conveying, or causing to be conveyed

ed



ed into the said Town or County any Persons, Money, Arms, Ammunition, Victuals, or any other Aid or Succour for or towards the keeping or defending of the said Town or County against us, or any sent or to be sent by us, for the removing of the unlawful Forces there, and taking possession of our Fort, Port, Arms, and Ammunition there. And hercof we charge all our loving Subjects to take notice, and to give present and full obedience hereunto as they will avoid the Danger of falling into the detestable Crime of Treason.

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*A Remonstrance: or, The Declaration of the Lords and Commons now Assembled in Parliament, the 26th. of May, 1642. in Answer to a Declaration under his Majesty's Name, concerning the Business of Hull.*

**A**lthough the great Affairs of this Kingdom, and the miserable bleeding Condition of the Kingdom of Ireland, affords us little leisure to spend our Time in Declarations, and in Answers and Replies; yet the malignant Party about his Majesty, taking all Occasions to multiply Calumnies upon the Houses of Parliament, and to publish sharp Invectives under his Majesty's Name against them and their Proceedings (a new Engine which they have invented to heighten the Destruction of this Kingdom and to beget and increase Distrust and Disaffection between the King and his Parliament and the People) we cannot be so much wanting to our own Innocence, or to the Duty of our Trust, as not to clear our selves from those false Aspersions, and (which is our chiefest Care) to disabuse the Peoples Minds, and open their Eyes, that under the false Shews and Pretexts of the Law of the Land, and of their own Rights and Liberties, they may not be carried into the Road-way that leads to the utter Ruin and Subversion thereof.

A Remonstrance of the House touching Hull and Hotham. May 26, 1642.

A late Occasion that these wicked Spirits of Division have taken to defame, and indeed to arraign the Proceedings of both Houses of Parliament, hath been from our Votes of the 28th. of April, and our Declaration concerning the Business of Hull, which because we put forth before we could send our Answer concerning that Matter unto His Majesty, those mischievous Instruments of Dissention between the King, the Parliament, and the People, whose chief Labour and Study is to misrepresent our Actions to His Majesty and to the Kingdom, would needs interpret this as an Appeal to the People, and a declining of all Intercourse between His Majesty and Us; as if we thought it to no purpose to endeavour any more to give him Satisfaction, and without expecting any longer our Answer, under the Name of a Message from his Majesty to both Houses of Parliament, they themselves have indeed made an Appeal to the People, as the Message it self doth in a manner grant it to be, offering to join issue with us in that way, and in the nature thereof, doth clearly shew it self to be no other. Therefore we shall likewise address our Answer to the Kingdom, not by way of Appeal, (as we are charged) but to prevent them from being their own Executioners, and from being perswaded under false colours of defending the Law, and their own Liberties, to destroy both with their own Hands, by taking their Lives, Liberties, and Estates out of their Hands, whom they have chosen and entrusted therewith, and resigning them up to some evil Counsellors about his Majesty, who can lay no other Foundation of their own Greatness, but upon the Ruin of this, and in it of all Parliaments, and in them of the true Religion, and the Freedom of this Nation: And these are the Men that would perswade the People, that both Houses of Parliament, containing all the Peers, and representing all the Commons of England, would destroy the Laws of the Land, and Liberty of the People, wherein besides the Trust of the whole, they themselves in their own Particulars have so great an Interest of Honour and Estate, that we hope it will gain little Credit with any, that have the least use of Reason, that such as must have so great a Share in the Misery, should take so much Pains in the procuring thereof, and spend so much Time, and run so many Hazards to make themselves Slaves, and to destroy the Property of their Estates; but that we may give particular Satisfaction to the several Imputations cast upon us, we shall take them in Order, as they are laid upon us in that Message.

First, We are charged for the avowing of that Act of Sir John Hotham, which is termed unparallell'd, and an high, and unheard of Affront unto His Majesty



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Majesty, and as if we needed not to have done it; he being able, as is alledged, to produce no such Commands of the Houses of Parliament.

Altho' Sir *John Hotbam* had not an Order that did expresse every Circumstance of that Case, yet he might have produced an Order of both Houses, which did comprehend this Case, not only in the clear Intention, but in the very Words thereof; which knowing in our Consciences to be so, and to be most necessary for the Safety of the Kingdom, we could not but in Honour and Justice avow that Act of his, which we are confident will appear unto the World to be so far from being an Affront to the King, that it will be found to have been an Act of great Loyalty to his Majesty and to his Kingdom.

The next Charge upon us is, That instead of giving his Majesty Satisfaction, we published a Declaration concerning that Business, as an Appeal to the People, and as if our Intercourse with his Majesty, and for his Satisfaction, were now to no more purpose; which course is alledged to be very unagreeable to the Modesty and Duty of former Times, and not warrantable by any Precedents, but what ourselves have made.

If the Penner of this Message had expected a while, or had not expected that two Houses of Parliament (especially burthened, as they are at this time, with so many pressing and urgent Affairs) should have moved as fast as himself, he would not have said that Declaration was instead of an Answer to his Majesty, which we did dispatch with all the Speed and Diligence we could, and have sent it to his Majesty by a Committee of both Houses, whereby it appears, That we did it not upon that ground, that we thought it was no more to any purpose to endeavour to give his Majesty Satisfaction.

And as for the Duty and Modesty of former Times, from which we are said to have varied, and to want the Warrant of any Precedents therein, but what ourselves have made. If we have made any Precedents this Parliament, we have made them for Posterity upon the same, or better grounds of Reason and Law than those were upon which our Predecessors first made any Forms: And as some Precedents ought not to be Rules for us to follow; so none can be Limits to bound our Proceedings, which may, and must vary according to the different Condition of Times. And for this Particular of setting forth Declarations for the Satisfaction of the People, who have chosen and intrusted us with all that is dearest to them, if there be no Example for it, it is because there were never any such Monsters before, that ever attempted to disaffect the People from a Parliament, or could ever harbour a Thought that it might be effected. Were there ever such Practices to poison the People with an ill Apprehension of the Parliament? Were there ever such Imputations and Scandals laid upon the Proceedings of both Houses? Were there ever so many and so great Breaches of Privilege of Parliament? Were there ever so many and so desperate Designs of Force and Violence against the Parliament and the Members thereof? If we have done more than ever our Ancestors have done, we have suffered more than ever they have suffered; and yet in Point of Modesty and Duty we shall not yield to the best of former Times, and we shall put this in issue, Whether the highest and most unwarrantable Proceedings of any of his Majesty's Predecessors do not fall short, and much below what hath been done to us this Parliament? And on the other side, Whether, if we should make the highest Precedents of other Parliaments our Patterns, there would be cause to complain of want of Modesty and Duty in us, when we have not so much as suffer'd such Things to enter into our Thoughts, which all the World knows they have put in Act?

Another Charge which is laid very high upon us (and which were indeed a very great Crime, if we were found guilty thereof) is, that by avowing this Act of Sir *John Hotbam*, we do in Consequence confound and destroy the Title and Interest of all his Majesty's good Subjects to their Lands and Goods, and that upon this ground his Majesty hath the same Title to his own Town of *Hull*, which any of his Subjects have to their Houses or Lands; and the same to his Magazine and Munition there, that any Man hath to his Money, Plate, or Jewels; and therefore that they ought not to have been disposed of without, or against his Consent, no more than the House, Land, Money, Plate, or Jewels of any Subject ought to be without, or against his Will.

Here that is laid down for a Principle, which would indeed pull up the very Foundation of the Liberty, Property, and Interest of every Subject in particular,



lar, and of all the Subjects in general, if one should admit it for a Truth, that his Majesty hath the same Right and Title to his Towns, and to his Magazine, (bought with the Publick Monies, as we conceive that at *Hull* to have been) that every particular Man hath to his House, Lands, and Goods; for his Majesty's Towns are no more his own, than his Kingdom is his own; and his Kingdom is no more his own, than his People are his own: And if the King had a Property in all his Towns, what would become of the Subjects Propriety in their Houses therein? And if he had a Propriety in his Kingdom, what would become of the Subjects Property in their Lands throughout the Kingdom? Or of their Liberties, if his Majesty had the same Right in their Persons, that every Subject hath in their Lands or Goods? And what should become of all the Subjects Interest in the Towns and Forts of the Kingdom, and in the Kingdom it self, if his Majesty might sell or give them away, or dispose of them at his Pleasure, as a particular Man may do with his Lands and with his Goods. *This erroneous Maxim being infused into Princes, That their Kingdoms are their own, and that they may do with them what they will, (as if their Kingdoms were for them, and not they for their Kingdoms) is the Root of all the Subjects Misery, and of all the invading of their just Rights and Liberties.* Whereas indeed they are only intrusted with their Kingdoms, and with their Towns, and with their People, and with the Publick Treasure of the Commonwealth, and whatsoever is bought therewith: And by the known Law of this Kingdom, the very Jewels of the Crown are not the King's proper Goods, but are only intrusted to him for the Use and Ornament thereof, as the Towns, Forts, Treasure, Magazine, Offices, and the People of the Kingdom, and the whole Kingdom itself is intrusted unto him, for the Good and Safety, and best Advantage thereof. And as this Trust is for the Use of the Kingdom, so ought it to be managed by the Advice of the Houses of Parliament, whom the Kingdom hath trusted for that purpose, it being their Duty to see it discharged, according to the Condition and true Intent thereof; and as much as in them lies, by all possible Means, to prevent the contrary: Which if it hath been their chief Care and only Aim, in the disposing of the Town and Magazine of *Hull*, in such manner as they have done, they hope it will appear clearly to all the World, that they have discharged their own Trust, and not invaded that of his Majesty's, much less his Property, which in this Case they could not do.

But admitting his Majesty had indeed had a Property in the Town and Magazine of *Hull*, who doubts but that a Parliament may dispose of any thing wherein his Majesty or any Subject hath a Right, in such a way, as that the Kingdom may not be exposed to Hazard or Danger thereby; which is our case in the disposing of the Town and Magazine of *Hull*. And whereas his Majesty doth allow this, and a greater Power to a Parliament, but in that sense only as he himself is a part thereof; we appeal to every Man's Conscience, that hath observed our Proceedings, whether we disjoined his Majesty from his Parliament, who have in all humble ways sought his Concurrence with us, as in this Particular about *Hull*, and for the removal of the Magazine there, so also in all other things. Or whether these evil Councils about him have not separated him from his Parliament, not only in distance of Place, but also in the discharge of this Joint-Trust with them for the Peace and Safety of the Kingdom in this, and some other Particulars.

We have given no Occasion to his Majesty to declare his Resolution with so much earnestness, that he will not suffer either, or both Houses by their Votes, without, or against his consent, to enjoin any thing that is forbidden by the Law, or to forbid any thing that is enjoin'd by the Law, for our Votes have done no such thing: And as we shall be very tender of the Law, (which we acknowledge to be the safeguard and custody of all publick and private Interests) so we shall never allow a few private Persons about his Majesty, *nor his Majesty himself in his own Person, and out of his Courts, to be Judge of the Law*, and that contrary to the Judgment of the highest Court of Judicature. In like manner, that his Majesty hath not refused to consent to any thing that might be for the Peace and Happiness of the Kingdom, we cannot admit it in any other sense, but as his Majesty taketh the Measure of what will be for the Peace and Happiness of the Kingdom, from some few ill-affected Persons about him, contrary to the Advice and Judgment of this Great Council of Parliament; and because the Advice of both Houses of Parliament, hath, through the Suggestions of Evil Counsellors, been so much undervalued of late, and so absolutely rejected and refused, we hold it fit to declare unto the Kingdom, (whose Honour and Interest is so much concerned in it) what



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what is the Privilege of the Great Council of Parliament herein, and what is the Obligation that lieth upon the Kings of this Realm, to pass such Bills as are offered unto them by both Houses of Parliament, in the Name, and for the Good of the whole Kingdom whereunto they stand engaged, both in Conscience and in Justice, to give their Royal Assent. In Conscience, in respect of the Oath that is or ought to be taken by the Kings of this Realm at their Coronation, as well to confirm, by their Royal Assent such good Laws as their People shall chuse, and to remedy by Law such Inconveniencies as the Kingdom may suffer, as to keep and protect the Laws already in being; as may appear, both by the Form of the Oath upon Record, and in Books of good Authority, and by the Statute of 25 Edw. III. Intituled, *The Statute of Provisors of Benefices*. The Form of which Oath, and the Clause of that Statute concerning it, are as followeth:

Rot. Parlam. H. 4. N. 17.

Forma Juramenti soliti & consueti præstari per Reges Angliæ in eorum Coronatione.

*Servabis Ecclesiæ Dei, Cleroq; & Populo Pacem ex integro, & Concor-  
diam in Deo secundum vires tuas?*

Respondabit, *Servabo.*

*Facies fieri in omnibus Judiciis tuis æquam & rectam Justitiam & Dis-  
cretionem in Misericordia & Veritate, secundum vires tuas?*

Respondabit, *Faciam.*

*Concedis justas Leges & Consuetudines esse tenendas, & promittis per te  
eas esse Protegendas, & ad Honorem Dei corroborandas, quas vulgus elegerit,  
secundum vires tuas?*

Respondabit, *Concedo & Promitto.*

*Adjicianturq; prædictis Interrogationibus quæ justa fuerint, prænuntiatisq; omnibus  
confirmet Rex se omnia servatorum sacramento super Altare præstito coram cunctis.*

A Clause in the Preamble of a Statute made 25 Edw. III. Intituled,  
*The Statute of Provisors of Benefices.*

‘Whereupon the said Commons have prayed our said Lord the King, That  
‘sith the Right of the Crown of *England*, and the Law of the said Realm is such,  
‘that upon the Mischiefs and Damages which happen to this Realm, he ought,  
‘and is bound by his Oath, with the Accord of his People in his Parliament  
‘thereof, to make Remedy and Law, and in removing the Mischiefs and Dama-  
‘ges which thereof ensue, that it may please him thereupon to ordain Remedy.  
‘Our Lord the King, seeing the Mischiefs and Damages before-mentioned,  
‘and having regard to the Statute made in the Time of his said Grand-father,  
‘and to the Causes contained in the same, which Statute holdeth always his  
‘Force, and was never defeated, repealed, or annulled in any Point, and by  
‘so much he is bounden by his Oath to cause the same to be kept as the Law of  
‘his Realm, tho’ that by Sufferance and Negligence it hath been sithence attemp-  
‘ted to the contrary. Also having regard to the grievous Complaints made to  
‘him by his People in divers his Parliaments holden heretofore, willing to  
‘ordain Remedy for the great Damages and Mischiefs which have happened,  
‘and daily do happen to the Church of *England* by the said Cause.

Here the Lords and Commons claim it directly, as the Right of the Crown of *England*, and of the Law of the Land that the King is bound by his Oath, with the Accord of his People in Parliament, to make Remedy and Law upon the Mischiefs and Damages which happen to this Realm; and the King doth not deny it, although he take Occasion, from a Statute formerly made by his Grand-father, which was laid as part of the Grounds of this Petition, to fix his Answer upon another Branch of his Oath, and pretermits that which is claimed by the Lords and Commons, which he would not have done if it might have been excepted against.



In Justice they are obliged thereunto; in respect of the Trust reposed in them, which is as well to preserve the Kingdom by the making of new Laws, where there shall be need, as by observing of Laws already made; a Kingdom being many times as much exposed to Ruin for the want of a new Law, as by the violation of those that are in being; and this is so clear a Right, that no doubt his Majesty will acknowledge it to be as due unto his People, as his Protection. But how far forth he is obliged to follow the Judgment of his Parliament therein, that is the Question. And certainly, besides the Words in the King's Oath, referring unto such Laws as the People shall chuse, as in such Things which concern the Publick Weal and Good of the Kingdom, they are the most proper Judges, who are sent from the whole Kingdom for that very purpose; so we do not find, that since Laws have passed by way of Bills, (which are read thrice in both Houses, and committed, and every Part and Circumstance of them fully weighed, and debated upon the Commitment, and afterward passed in both Houses) that ever the Kings of this Realm did deny them, otherwise than is expected in that usual Answer, *Le Roy s'avisera*, which signifies rather a Suspension than a Refusal of the Royal Assent. And in these other Laws which are framed by way of Petitions of Right, the Houses of Parliament have taken themselves to be so far Judges of the Rights claimed by them, that when the King's Answer hath not in every Point been fully according to their Desire, they have still insisted upon their Claim, and never rested satisfied, 'till such Time as they had an Answer according to their Demand; as was done in the late Petition of Right, and in former Times upon the like Occasion. And if the Parliament be Judge between the King and his People in the Question of Right, (as by the manner of the Claim in Petitions of Right, and by Judgments in Parliament in Cases of Illegal Impositions and Taxes, and the like, it appeareth to be) why should they not be so also in the Question of the Common Good, and Necessity of the Kingdom, wherein the Kingdom hath as clear a Right also to have the Benefit and Remedy of Law, as in any thing whatsoever? And yet we do not deny, but in Private Bills, and also in Publick of Acts of Grace, as Pardons, and the like Grants of Favours, his Majesty may have a greater Latitude of Granting or Denying, as he shall think fit.

All this consider'd, we cannot but wonder, that the Contriver of this Message should conceive the People of this Land to be so void of common Sense, as to enter into so deep a Mistrust of those that they have, and his Majesty ought to repose so great a Trust in, as to despair of any Security in their private Estates, by Descents, Purchases, Assurances, or Conveyances, unless his Majesty should by his Vote, prevent the Prejudice they might receive therein by the Votes of both Houses of Parliament; as if they, who are especially chosen and intrusted for that purpose, and who themselves must needs have so great a Share in all Grievances of the Subject, had wholly cast off all Care of the Subjects Good, and his Majesty had solely taken it up; and as if it could be imagin'd, that they should by their Votes overthrow the Rights of Descents, Purchases, or of any Conveyance or Assurance, in whose Judgment the whole Kingdom hath placed all their particular Interests, if any of them should be called in Question in any of those Cases, and that (as knowing not where to place them with greater Security) without any Appeal from them to any other Person or Court whatsoever.

But indeed we are very much to seek how the Case of *Hull* should concern Descents and Purchases, or Conveyances and Assurances, unless it be in procuring more security to Men in their private Interests, by the preservation of the whole from Confusion and Destruction; and much less do we understand how the Sovereign Power was resisted and despised therein. Certainly no Command from his Majesty, and his High Court of Parliament (where the Sovereign Power resides) was disobeyed by Sir *John Hotham*; nor yet was his Majesty's Authority derived out of any other Court, nor by any Legal Commission, or by any other Way wherein the Law hath appointed his Majesty's Commands to be derived to his Subjects, and of what Validity his Verbal Commands are, without any such Stamp of his Authority upon them, and against the Order of both Houses of Parliament; and whether the not submitting thereunto be a Resisting and Despising of the Sovereign Authority, we leave it to all Men to judge, that do at all understand the Government of this Kingdom.



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We acknowledge that his Majesty hath made many Expressions of his Zeal and Intentions against the desperate Designs of Papists; but yet it is also true, that the Councils which have prevailed of late with him, have been little suitable to those Expressions and Intentions: For what doth more advance the open and bloody Design of the Papists in *Ireland* (whereon the secret Plots of the Papists here do in all likelihood depend) than his Majesty's absenting himself in that manner that he doth from his Parliament, and setting forth such sharp Invectives against them, notwithstanding the humble Petitions, and other Means which his Parliament hath addressed unto him for his Return, and for his Satisfaction concerning their Proceedings? And what was more likely to give a Rise to the Designs of Papists, (whereof there are so many in the *North*, near to the Town of *Hull*) and of other malignant and ill-affected Persons, (which are ready to join with them) or to the Attempts of Foreigners from abroad, than the continuing of that great Magazine at *Hull* at this time, and contrary to the Desire and Advice of both Houses of Parliament? So that we have too much cause to believe that the Papists have still some way and means whereby they have Influence upon his Majesty's Counsels for their own Advantage.

For the malignant Party his Majesty needeth not a Definition of the Law, nor yet a more full Character of them from both Houses of Parliament for to find them out, if he will please only to apply the Character that himself hath made of them to those unto whom it doth properly and truly belong: Who are so much disaffected to the Peace of the Kingdom, as they that endeavour to disaffect his Majesty from the Houses of Parliament, and perswade him to be at such a Distance from them, both in Place and Affection? Who are more disaffected to the Government of the Kingdom, than such as lead his Majesty away from hearkening to his Parliament, which by the Constitution of this Kingdom is his greatest and best Council, and perswade him to follow the malicious Counsels of some private Men, in opposing and contradicting the wholesome Advices and just Proceedings of that his most faithful Council and highest Court? Who are they that not only neglect and despise, but labour to undermine the Law under colour of maintaining of it, but they that endeavour to destroy the Fountain and Conservatory of the Law, which is the Parliament? And who are they that set up Rules for themselves to walk by, other than such as are appointed by Law, but they that will make other Judges of the Law than the Law hath appointed, and so dispense with their Obedience to that which the Law calleth Authority, and to their Determinations and Resolutions to whom the Judgment doth appertain by Law? For when private Persons shall make the Law to be their Rule, according to their own Understanding, contrary to the Judgment of those who are the competent Judges thereof, they set up unto themselves other Rules than the Law doth acknowledge: Who these Persons are none knoweth better than his Majesty himself; and if he please to take all possible Caution of them, as destructive to the Commonwealth, and himself, and would remove them from about him, it would be the most effectual Means to compose all the Distractions, and to cure the Distempers of this Kingdom.

For the Lord *Digby's* Letter, we did not make mention of it as a Ground to hinder his Majesty from visiting his own Fort; but we appeal to the Judgment of any indifferent Man that shall read that Letter, and compare it with the Posture that his Majesty then did, and still doth stand in toward the Parliament, and with the Circumstances of that late Action of his Majesty in going to *Hull*, whether the Advisers of that Journey intended only a Visit of that Fort and Magazine? As to the Ways and Overtures of Accommodation, and the Message of the 20th of *January* last, so often pressed, but still in vain, as is alledged: Our Answer is, That altho' so often as the Message of the 20th of *January* hath been pressed, so often have our Privileges been clearly infringed, that a way and method of proceeding should be prescribed unto us, as well for the settling of his Majesty's Revenue, as for the presenting of our own Desires, (a thing which in former Parliaments hath always been excepted against, as a Breach of Privilege) yet in respect to the Matter contained in that Message, and out of our earnest Desire to beget a good Understanding between his Majesty and us, we swallowed down all Matters of Circumstance, and had e'er this time presented the chief of our Desires to his Majesty, had we not been interrupted with



with continual Denials, even of those things that were necessary for our present Security and Subsistence; and had not those Denials been followed with perpetual Invectives against us, and our Proceedings; and had not those Invectives been heaped upon us so thick one after another, (who were already in a manner wholly taken up with the pressing Affairs of this Kingdom, and of the Kingdom of *Ireland*) that as we had little Encouragement from thence to hope of any good Answers to our Desires, so we had not so much Time left us to perfect them in such a manner as to offer them unto his Majesty.

We confess it is a Resolution most worthy of a Prince, and of his Majesty to shut his Ears against any that would incline him to a Civil War, and to abhor the very Apprehension of it; but we cannot believe that Mind to have been in them that came with his Majesty to the House of Commons, or in them that accompanied his Majesty to *Hampton-Court*, and appeared in a warlike manner at *Kingston upon Thames*; or in divers of them that followed his Majesty now lately to *Hull*; or in them that after drew their Swords at *York*, demanding who would be for the King; nor in them that advised his Majesty to declare Sir *John Hotham* a Traytor, before the Message was sent concerning that Business to the Parliament; or to make Propositions to the Gentlemen of the County of *York*, to assist his Majesty to proceed against him in a way of Force, before he had or possibly could receive an Answer from the Parliament, to whom he had sent to demand Justice of them against Sir *John Hotham* for that Fact; and if those malignant Spirits shall ever force us to defend our Religion, the Kingdom, the Privileges of Parliament, and the Rights and Liberties of the Subjects with our Swords, the Blood and Destruction that shall ensue thereupon must be wholly cast upon their Account; God and our Consciences tell us, that we are clear, and we doubt not but God, and the whole World will clear us therein.

For Captain *Leg*, we did not say that he was accused, or that there was any Charge against him for the bringing up of the Army, but that he was employed in that Business. And for that concerning the Earl of *Newcastle*, mentioned by his Majesty, which is said to have been asked long since, and that it is not easy to be answered; we conceive, that it is a Question of more difficulty, and harder to be answered, why, when his Majesty held it necessary, upon the same Grounds that first moved from the Houses of Parliament, that a Governour should be placed in that Town: Sir *John Hotham*, a Gentleman of known Fortune and Integrity, and a Person of whom both Houses of Parliament had expressed their Confidence, should be refused by his Majesty and the Earl of *Newcastle*, (who by the way was so far named in the Business of bringing up the Army, that altho' there was not ground enough for a judicial Proceeding, yet there was ground of Suspicion, at least his Reputation was not left so unblemish'd thereby, as that he should be thought the fittest Man in *England* for that Employment of *Hull*) should be sent down in a private way from his Majesty to take upon him that Government, and why he should disguise himself under another Name, when he came thither, as he did. But whosoever shall consider together with these Circumstances, that of the time when Sir *John Hotham* was first appointed by both Houses of Parliament to take upon him that Employment, which was presently after his Majesty's coming to the House of Commons, and upon the retiring of himself to *Hampton-Court*, and the Lord *Digby's* assembling of Cavaliers at *Kingston upon Thames*, will find Reason enough why that Town of *Hull* should be committed rather to Sir *John Hotham* by the Authority of both Houses of Parliament, than to the Earl of *Newcastle*, sent from his Majesty in that manner as he was. And for the Power that Sir *John Hotham* hath from the Houses of Parliament, the better it is known and understood, we are confident the more it will be approved of, and justified; and as we do not conceive that his Majesty's Refusal to have that Magazine removed, could give any Advantage against him to have it taken from him, and as no such thing is done; so we cannot conceive for what other Reason any should counsel his Majesty not to suffer it to be removed upon the Desire of both Houses of Parliament, except it be that they had an Intention to make use of it against them.

We did not except against those that presented a Petition to his Majesty at *York*, for the continuance of the Magazine at *Hull*, in respect of their Conditions, or in respect of their Number, because they were mean Persons, or be-



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cause they were few ; but because there being but a few, and there being so many more in the County of as good Quality as themselves, (who have by their Petition to his Majesty disavowed that Act of theirs) that they should take upon them Stile of all the Gentry and Inhabitants of that County, and under that Title should presume to interpose their Advice contrary to the Votes of both Houses of Parliament ; and if it can be made so appear, that any of these Petitions, that are said to have been presented to the Houses of Parliament, and to have been of a strange Nature, were of such a Nature as that, we are confident that they were never received with our Consent and Approbation.

Whether there was an Intention to deprive Sir *John Hotbham* of his Life, if his Majesty had been admitted into *Hull*, and whether the Information were such as that he had ground to believe it, we will not bring it into question ; for that was not, nor ought to have been the ground for doing what he did ; neither was the Number of his Majesty's Attendants, for being more fewer, much considerable in this case : For altho' it be true, that if his Majesty had entred with twenty Horse only, he might haply have found Means to have forced the Entrance of the rest of his Train, who being once in the Town, would not have been long without Arms, yet that was not the ground that Sir *John Hotbham* was to proceed upon, but upon the Admittance of the King into the Town at all, so as to deliver up the Town and Magazine unto him, and to whomsoever he should give the Command thereof, without the knowledge and consent of both Houses of Parliament, by whom he was intrusted to the contrary. And his Majesty having declared that to be his Intention concerning the Town, in a Message that he sent to the Parliament not long before he went to *Hull*, saying, That he did not doubt but that Town should be deliver'd up to him whensoever he pleased, as supposing it to be kept against him ; and in like manner concerning the Magazine, in his Message of the 24th. of *April*, wherein it is expressed, That his Majesty went thither with a purpose to take into his Hands the Magazine, and to dispose of it in such manner as he should think fit : Upon these Terms Sir *John Hotbham* could not have admitted his Majesty, and have made good his Trust to the Parliament, tho' his Majesty would have enter'd alone, without any Attendance at all of his own, or of the Prince or Duke, his Sons, which we do not wish to be less than they are in their Number, but could heartily wish that they were generally better in their Conditions.

In the Close of this Message his Majesty states the Case of *Hull*, and thereupon inferreth, That the Act of Sir *John Hotbham* was levying of War against the King, and consequently, that it was no less than High-Treason by the Letter of the Statute of 25 *Edw. III. Cap. 2.* unless the Sense of that Statute be very far differing from the Letter thereof.

In the Stating of this Case divers Particulars may be observed, wherein it is not rightly stated : As,

1. That his Majesty's going to *Hull* was only an Endeavour to visit a Town and Fort of his, whereas it was indeed to possess himself of the Town and Magazine there, and to dispose of them as he himself should think good, without, and contrary to the Advice and Orders of both Houses of Parliament, as doth clearly appear by his Majesty's own Declaration of his Intention therein, by his Messages to both Houses immediately before, and after that Journey. Nor can we believe that any Man that shall consider the Circumstances of that Journey to *Hull*, can think that his Majesty would have gone thither at that Time, and in that Posture, that he was pleased to put himself in toward the Parliament, if he had intended only a Visit of the Town and Magazine.

2. It is said to be his Majesty's own Town and his own Magazine ; which being understood in that Sense as was before expressed, as if his Majesty had a private Interest of Propriety therein, we cannot admit it to be so.

3. Which is the main Point of all, Sir *John Hotbham* is said to have shut the Gates against his Majesty, and to have made resistance with armed Men, in defiance of his Majesty ; whereas it was indeed in obedience to his Majesty and his Authority, and for his Service, and the Service of the Kingdom, for which use only all that Interest is that the King hath in the Town ; and it is no farther

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his to dispose of, than he useth it for that End. And Sir *John Hotham* being commanded to keep the Town and Magazine for his Majesty and the Kingdom, and not to deliver them up but by his Majesty's Authority, signified by both Houses of Parliament, all that is to be understood by those Expressions of his denying and opposing his Majesty's Entrance, and telling him, in plain Terms, he should not come in, was only this, That he humbly desired his Majesty to forbear his Entrance, 'till he might acquaint the Parliament, and that his Authority might come signified to him by both Houses of Parliament, according to the Trust reposed in him. And certainly, if the Letter of the Statute of 25 *Edw. III. Cap. 2.* be thought to import this, That no War can be levied against the King, but what is directed and intended against his Person; or that every levying of Forces, for the Defence of the King's Authority and his Kingdom, against the Personal Commands of the King opposed thereunto, tho' accompanied with his Presence, is levying War against the King, it is very far from the Sense of that Statute; and so much the Statute it self speaks, (besides the Authority of Book-Cases, Precedents of divers Traytors condemned upon that Interpretation thereof): For if the Clause of Levying of War had been meant only against the King's Person, what need had there been thereof, after the other Branch of Treason in the same Statute, of compassing the King's Death, which would necessarily have implied this? And because the former Clause doth imply this, it seems not at all to be intended in this latter Branch, but only the levying of War against the King, that is, against his Laws and Authority: And the levying of War against his Laws and Authority, tho' not against his Person, is levying War against the King; but the levying Force against his Personal Commands, tho' accompanied with his Presence, and not against his Laws and Authority, but in the Maintenance thereof, is no levying War against the King, but for him. Here is then our Case; in a Time of so many successive Plots and Designs of Force against the Parliament and Kingdom, in a Time of probable Invasion from Abroad, and that to begin at *Hull*, to take opportunity of seizing upon so great a Magazine there, in a Time of so great Distance and Alienation of his Majesty's Affections from his Parliament, and in them from his Kingdom, which they represent, by the wicked Suggestions of a few malignant Persons, by whose mischievous Counsels he is wholly led away from his Parliament, and their faithful Advice and Counsels. In such a Time the Lords and Commons in Parliament commanded Sir *John Hotham* to draw in some of the Train'd-Bands of the Parts adjacent to the Town of *Hull*, for the securing of that Town and Magazine for the Service of his Majesty and of the Kingdom, of the Safety whereof there is a higher Trust reposed in them than any where else, and they are the proper Judges of the Danger thereof.

This Town and Magazine being intrusted to Sir *John Hotham*, with express Orders not to deliver them up, but by the King's Authority, signified by both Houses of Parliament, his Majesty, contrary to the Advice and Direction of both Houses of Parliament, without the Authority of any Court, or of any legal Way wherein the Law appoints the King to speak and command, accompanied with the same evil Counsels about him that he had before, by a verbal Command, requires Sir *John Hotham* to admit him into the Town, that he might dispose of it, and of the Magazine there, according to his own, or rather according to the Pleasure of those evil Counsellors who are still in so much Credit about him; in like manner as the Lord *Digby* hath continual recourse unto, and countenance from the Queen's Majesty in *Holland*, by which means he hath Opportunity still to communicate his Traiterous Suggestions and Conceptions to both their Majesty's, such as those were concerning his Majesty's retiring to a Place of Strength, and declaring himself, and his own advancing of his Majesty's Service in such a Way beyond the Seas, and after that resorting to his Majesty in such a Place of Strength, and divers other Things of that Nature, contained in his Letter to the Queen's Majesty, and to Sir *Lewis Dives* a Person that had not the least Part in this late Business of *Hull*, and was presently dispatch'd away into *Holland*, soon after his Majesty's Return from *Hull*, for what Purpose we leave the World to judge.

Upon the Refusal of Sir *John Hotham* to admit his Majesty into *Hull*, presently, without any due Process of Law, before his Majesty had sent up the Narration of his Fact to the Parliament, he was proclaimed Traytor: And yet it is said,

That



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That therein is no Violation of the Subjects Right, nor any Breach of the Law, nor of the Privilege of Parliament, tho' Sir *John Hotbam* be a Member of the House of Commons, and that his Majesty must have better Reason than bare Votes to believe the contrary; altho' the Votes of the Lords and Commons in Parliament, being the Great Council of the Kingdom, are the Reason of the King and Kingdom; yet their Votes do not want clear and apparent Reason for them; for if the solemn proclaiming a Man a Traytor signify any thing, it puts a Man, and all those that any way aid, assist, or adhere unto him, into the same Condition of Traytors, and draws upon him all the Consequences of Treason: And if this may be done by Law, without due Process of Law, the Subject hath a very poor defence of the Law, and a very small, if any proportion of Liberty thereby; and it is as little Satisfaction to a Man that shall be exposed to such Penalties, by that Declaration of him to be a Traytor, to say he shall have a legal Tryal afterwards, as it is to condemn a Man first, and try him afterward.

And if there can be any Necessity for any such proclaiming a Man a Traytor, without due Process of Law; yet there was none in this Case, for his Majesty might have as well expected the Judgment of Parliament, (which was the right way) as he had leisure to send to them to demand Justice against Sir *John Hotbam*. And the Breach of Privilege of Parliament is as clear in this Case, as the Subversion of the Subjects common Right; for though the Privileges of Parliament do not extend to those Cases mentioned in the Declaration, of Treason, Felony, and Breach of the Peace, so as to exempt the Members of Parliament from Punishment, nor from all manner of Process or Tryal, as it doth in other Cases, yet it doth privilege them in the Way and Method of their Tryal and Punishment; and that the Parliament should have the Cause first brought before them, that they may judge of the Fact, and of the Grounds of the Accusation, and how far forth the manner of their Tryal may concern, or not concern the Privilege of Parliament; otherwise it would be in the Power, not only of his Majesty, but of every private Man, under Pretensions of Treason, or those other Crimes, to take any Man from his Service in Parliament, and so as many, one after another, as he pleaseth; and consequently to make a Parliament what he will, and when he will; which would be a Breach of so essential a Privilege of Parliament, as that the very Being thereof depends upon it: And therefore we no ways doubt, but every one that hath taken the Protestation, will, according to his solemn Vow and Oath, defend it with his Life and Fortune. Neither doth the Sitting of a Parliament suspend all, or any Law, in maintaining that Law, which upholds the Privilege of Parliament, which upholds the Parliament, which upholds the Kingdom. And we are so far from believing, that his Majesty is the only Person against whom Treason cannot be committed, that in some sense we acknowledge he is the only Person against whom it can be committed, that is, as he is King; and that Treason which is against the Kingdom, is more against the King, than that which is against his Person, because he is King; for that very Treason is not Treason, as it is against him as a Man, but as a Man that is a King, and as he hath Relation to the Kingdom, and stands as a Person intrusted with the Kingdom, and discharging that Trust.

Now the Case is truly stated, and all the World may judge where the Fault is; although we must avow, that there can be no competent Judge of this, or any the like Case, but a Parliament; and we are as confident, that his Majesty shall never have cause to resort to any other Court, or Course, for the vindication of his just Privileges, and for the Recovery and Maintenance of his known and undoubted Rights, if there should be any Invasion or Violation thereof, than to his High Court of Parliament. And in case those wicked Counsellors about him shall drive him into any Course from and against his Parliament, whatever are his Majesty's Expressions and Intentions, we shall appeal to all Mens Consciences, and desire that they would lay their Hands upon their Hearts, and think with themselves, whether such Persons as have of late, and still do resort to his Majesty, and have his Ear and Favour most, either have been, or are more zealous Asserters of the true Protestant Profession, (altho' we believe they are more earnest in the Protestant Profession, than in the Protestant Religion) or of the Laws of the Land, the Liberty of the Subject, and the Privileges of Parliament, than the Members of both Houses of Parliament, who are insinuated to be the Deserters, if not Destroyers of them? And whether if they could master



master this Parliament by Force, they would not hold up the same Power to deprive us of all Parliaments, which are the Ground and Pillar of the Subjects Liberty, and that which only maketh *England* a free Monarchy.

For the Order of Assistance to the Committees of both Houses, as they have no Directions or Instructions but what have the Law for their Limits, and the Safety of the Land for their Ends; so we doubt not but all Persons mentioned in that Order, and all his Majesty's good Subjects will yield Obedience to his Majesty's Authority, signified therein by both Houses of Parliament. And that all Men may the better know their Duty in Matters of that Nature, and upon how sure a Ground they go that follow the Judgment of Parliament for their Guide, we wish them judiciously to consider the true meaning and ground of that Statute made in the 11th Year of *H. 7. Cap. 1.* which is printed at large in the end of his Majesty's Message of the 4th of *May*. This Statute provides, That none that shall attend upon the King, and do him true Service, shall be attainted, or forfeit any thing. What was the Scope of this Statute? To provide, That Men should not suffer as Traitors for serving the King in his Wars, according to the Duty of their Allegiance; if this had been all, it had been a very needless and ridiculous Statute. Was it then intended (as they may seem to take the meaning of it to be, that caused it to be printed after his Majesty's Message) that they should be free from all Crime and Penalty that should follow the King, and serve him in War, in any case whatsoever, whether it were for or against the Kingdom, and the Laws thereof? That cannot be, for that could not stand with the Duty of their Allegiance, which in the beginning of this Statute is expressed to be to serve the King for the Time being in his Wars, *for the Defence of him and the Land*; and therefore if it be against the Land (as it cannot be understood to be otherwise, if it be against the Parliament, the Representative Body of the Kingdom) it is a declining from the Duty of Allegiance, which this Statute supposeth may be done, tho' Men should follow the King's Person in the War; otherwise there had been no need of such a Proviso in the end of this Statute, that none should take benefit thereby that should decline from their Allegiance. That therefore which is the principal Verb in this Statute is, The serving of the King for the Time being, which cannot be meant of a *Perkin Warbeck*, or any that should call himself King; but such a one, as, whatever his Title might prove, either in himself or in his Ancestors, should be received and acknowledged for such by the Kingdom, the Consent whereof cannot be discerned but by Parliament, the Act whereof is the Act of the whole Kingdom, by the personal Suffrage of the Peers, and the delegate Consent of all the Commons of *England*.

And *Henry* the 7th, a wise King, considering that what was the Case of *Richard* the 3d, his Predecessor, might, by chance of Battle, be his own, and that he might at once by such a Statute as this, satisfy such as had served his Predecessor in his Wars, and also secure those that should serve him, who might otherwise fear to serve him in the War; lest by chance of Battle that might happen to him also (if a Duke of *York* had set up a Title against him) which had happened to his Predecessor, he procured this Statute to be made, That no Man should be accounted a Traitor for serving the King in his Wars for the Time being, that is, which was for the present allowed and received by the Parliament in behalf of the Kingdom, and as it is truly suggested in the Preamble of the Statute: It is not agreeable to Reason or Conscience, that it should be otherwise, seeing Men should be put upon an Impossibility of knowing their Duty, if the Judgment of the highest Court should not be a Rule and Guide to them. And if the Judgment thereof should be followed, where the Question is, Who is King? much more, What is the best Service of the King and Kingdom? And therefore those that shall guide themselves by the Judgment of Parliament, ought, whatever happen, to be secure and free from all Account and Penalties, upon the Grounds and Equity of this very Statute.

We shall conclude, That altho' those wicked Counsellors about his Majesty have presumed, under his Majesty's Name, to put that Dishonour and Affront upon both Houses of Parliament, as to make them the Countenancers of Treason, enough to have dissolved all the Bands and Sinews of Confidence between his Majesty and the Parliament, of whom the Maxim of the Law is, That a dishonourable Thing ought not to be imagined of them) yet we doubt



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doubt not but it shall in the end appear to all the World, that our Endeavours have been most hearty and sincere, for the Maintenance of the true Protestant Religion, the King's just Prerogatives, the Laws and Liberties of the Land, and the Privileges of Parliament; in which Endeavours, by the Grace of God, we will still persist, tho' we should perish in the Work; which if it should be, it is much to be feared, that Religion, Laws, Liberties, and Parliaments would not be long-liv'd after us.

His Majesty's ANSWER to a Printed Book, Intituled,

*A Remonstrance: or, The Declaration of the Lords and Commons now Assembled in Parliament, the 26th. of May, 1642. in Answer to a Declaration under His Majesty's Name, concerning the Business of Hull.*

The King's  
Answer to  
the Remon-  
strance touch-  
ing Hull.

THOUGH whosoever looks over the late Remonstrance, Intituled, *A Declaration of the Lords and Commons of the 26th. of May*, will not think we have much Reason to be pleased with it, yet we cannot but commend the Plain-dealing and Ingenuity of the Framers and Contrivers of that Declaration, which hath been wrought in a hotter and quicker Forge than any of the rest, who would no longer suffer us to be affronted by being told, They would make us a great and glorious King, whilst they used all possible Skill to reduce us to extream Want and Indigency; and that they would make us to be loved at home and feared abroad, whilst they endeavour'd by all possible ways to render us odious to our good Subjects, and contemptible to all Foreign Princes; but like round-dealing Men, tell in plain *English*, that they have done us no Wrong, because we are not capable of receiving any; and that they have taken nothing from us, because we had never any thing of our own to lose. If this Doctrine be true, and that indeed we ought to be of no other Consideration than they have informed our People in that Declaration, that Gentleman is much more excusable, that said publicly (unreproved) That the Happiness of this Kingdom doth not depend on us, or upon any of the Royal Branches of that Root; and the other, who said, We were not worthy to be King of *England*; Language very monstrous to be allowed by either House of Parliament, and of which, by the Help of God and the Law, we must have some Examination: But we doubt not all our good Subjects do now plainly discern, through the Mask and Vizard of their Hypocrisy, what their Design is, and will no more look upon the Framers and Contrivers of that Declaration, as upon both Houses of Parliament (whose Freedom and just Privileges we will always maintain, and in whose behalf we are as much concerned as for our self) but as a Faction of malignant, schismatical, and ambitious Persons, whose Design is, and always hath been to alter the whole Frame of Government, both of Church and State, and to subject both King and People to their own lawless Arbitrary Power and Government, of whose Persons, and of whose Design we shall within a very short time give our good Subjects and the World, a full, and we hope, a satisfactory Narration.

The Contrivers and Penners of that Declaration, of whom we would be only understood to speak, when we mention any of their undutiful Acts against us, tell you, That the great Affairs of this Kingdom, and the miserable and bleeding Condition of the People of *Ireland*, will afford them little Leisure to spend their Time in Declarations, Answers, and Replies. Indeed the miserable and deplorable Condition of both Kingdoms would require somewhat else at their Hands: But we would gladly know how they have spent their time since their Recess, now almost eight Months, but in Declarations, Remonstrances and Invectives against us and our Government, or in preparing Matter for them? Have we invited them to any such expence of Time, by beginning Arguments of that Nature? Their Leisure or their Inclination is not as they pretend; and what is their Printing and Publishing their Petitions to us, their Declarations and



and Remonstrances of us, their odious Votes and Resolutions sometimes of one, sometimes of both Houses, against us, never in this manner communicated before this Parliament, but an Appeal to the People? and in God's Name let them judge of the Persons they have trusted.

Their first Quarrel is, as it is always (to let them into their frank Expressions to us and our Actions) against the *malignant Party*, whom they are pleased still to call, and never to prove, to be our evil Counsellors: But indeed nothing is more evident by their whole Proceedings, than that by the *malignant Party* they intend all the Members of both Houses, who agree not with them in their Opinion. Hence have come their Distinction of good and bad Lords, of Persons ill-affected of the House of Commons, who have been proscribed and their Names listed and read in Tumults, and all the Persons of the Kingdom who approve not of their Actions; so that in truth, if they would be ingenuous, and name the Persons they intend, who would be the Men upon whom that Imputation of Malignity would be cast, but they who have stood stoutly and immutably for the Religion, Liberties, the Laws, for all publick Interests, so long as there was any to be stood for; they who have always been and are as zealous Professors, and some of them as able and earnest Defenders of the Protestant Doctrine against the Church of *Rome*, as any are; who have often and earnestly besought us to consent, that no indifferent and unnecessary Ceremony might be pressed upon weak and tender Consciences, and that we would agree to a Bill for that purpose; they to whose Wisdom, Courage, and Counsel, the Kingdom oweth as much as it can to Subjects; and upon whose unblemished Lives Envy it self can lay no Imputation, nor endeavoured to lay any until their Vertues brought them to our Knowledge and Favour. Let the Contrivers of this Declaration be faithful to themselves, and consider all those Persons of both Houses, whom they in their own Consciences know to dissent from them in the Matter and Language of that Declaration, and in all those undutiful Actions of which we complain, and will they not be found in Honour, Fortune, Wisdom, Reputation, and Weight, if not in Number, much superior to them? So much for the evil Counsellors. Now what is the evil Counsel it self? Our coming from *London* (where we and many, whose Affections to us are very eminent, were in danger every day to be torn in pieces) to *York*, where we, and all such who will put themselves under our Protection, may live, we thank God, and the Loyalty and Affection of this good People, very securely. Our not submitting our self absolutely, and renouncing our own Understanding to the Votes and Resolutions of the Contrivers of that Declaration, when they tell us, They are above us, and may, by our own Authority, do with us what they please, and our not being contented that all our good Subjects Lives and Fortunes shall be disposed of by their Votes; but by the known Law of the Land, this is the evil Counsel given and taken: And will not all Men believe there needs much Power and Skill of the malignant Party to infuse this Counsel into us? And now apply the Argument the Contrivers of that Declaration make for themselves: Is it probable or possible that such Men whom we have mentioned, who must have so great a Share in the Misery, should take such Pains in the procuring thereof, and spend so much Time, and run so many Hazards to make themselves Slaves, and to ruin the free Men of this Nation. We say, with a clear and upright Conscience to God Almighty, who-soever harbours the least thought in his Breast of ruining or violating the publick Liberty or Religion of this Kingdom, or the just Freedom and Privilege of Parliament, let him be accursed; and he shall be no Counsellour of ours that will not say *Amen*. For the Contrivers of that Declaration, we have not said any thing which might imply any Inclination in them to be Slaves: That which we have charged them with, is invading the publick Liberty; and our Presumption may be very strong and vehement, that tho' they have no mind to be Slaves, they are not unwilling to be Tyrants: What is Tyranny but to admit no Rule to govern by but their own Wills? and we know how the Misery of *Athens* was at the highest when it suffer'd under the Thirty Tyrants.

If that Declaration had told us, as indeed it might, and as in Justice it ought to have done, that the Precedents of any of our Ancestors did fall short and much below what hath been done by us this Parliament in point of Grace and Favour to our People, we should no otherwise have wondred at it,



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than at such a Truth in such a Place: But when to justify their having done more than ever their Predecessors did, it tells our good Subjects (as most injuriously, most insolently it doth) that the highest and most unwarrantable Precedents of any of our Predecessors do fall short, and much below what hath been done to them this Parliament by us; we must confess our self amazed, and not able to understand them: And we must tell those ungrateful Men, who dare tell their King, that they may, without want of Modesty and Duty, depose him: That the Condition of our Subjects, when, by whatsoever Accidents and Conjunctions of Time it was at worst under our Power, unto which, by no Default of ours, they shall be ever again reduced, was, by many Degrees, more pleasant and happy than that to which their furious Pretences of Reformation hath brought them; neither are we afraid of the highest Precedents of other Parliaments, which these Men boldly (our good Subjects will call it worse) tell us, They might, without want of Modesty and Duty, make their Patterns; if we had no other Security against those Precedents, but their Modesty and Duty, we were in a miserable Condition, as all Persons will be who depend upon them.

That Declaration will not allow our Inference, that by avowing the Act of Sir *John Hotham*, they do destroy the Title and Interest of all our Subjects to their Lands and Goods; but confesseth, if they were found guilty of that Charge, it were indeed a very great Crime; and do they not in this Declaration admit themselves guilty of this very Crime? Do they not say, Who doubts but that a Parliament may dispose of any thing, wherein we or our Subjects have a Right, in such a way, as that the Kingdom may not be in danger thereby? Do they not then call themselves this Parliament, and challenge this Power without our Consent? Do they not extend this Power to all Cases, where the Necessity or the common Good of the Kingdom is concerned? And do they not arrogate unto themselves alone the Judgment of this Danger, this Necessity, this common Good of the Kingdom? What is it, if it be not to unsettle the Security of all Mens Estates, and to expose them to an Arbitrary Power of their own, if a Faction shall at any time, by Cunning, or Force, or Absence, or Accident, prevail over a major Part of both Houses, and pretend that they are evil Counsellors, a Malignant Party about the King, by whom the Liberty and the Religion of the Kingdom are both in Danger? This they may do, they have done it; then they may take away, be it from the King or People, whatsoever they in their Judgments shall think fit; this is lawful, they have declared it. So let the World judge whether we charge them unjustly, and whether they are not guilty of the Crime which themselves confess, being proved, is a great one? And how safely we might commit the Power these People desire into their Hands, who in all probability would be no sooner possessed of it, than they would revive that Tragedy which Mr. *Hooker* relates of the *Anabaptists* in Germany; who talking of nothing but Faith, and of the true Fear of God, and that Riches and Honour were Vanity, at first, upon their great Opinion of their Humility, Zeal, and Devotion, procured much Reverence and Estimation with the People: After finding how many Persons they had ensnared with their Hypocrisy, they began to propose to themselves to reform both the Ecclesiastical and Civil Government of the State: Then, because possibly they might meet with some Opposition, they secretly enter'd into a League of Association. And shortly after, finding the Power they had got with the Credulous People, enriched themselves with all kind of Spoil and Pillage, and justified it upon our Saviour's Promise, *The Meek shall inherit the Earth*; and declared, Their Title was the same which the righteous *Israelites* had unto the Goods of the Wicked *Egyptians*. This Story is worth the reading at large, and needs no Application.

But we must by no means say, That we have the same Title to our Town of *Hull*, and the Ammunition there, as any of our Subjects have to their Lands or Money; that is a Principle that pulls up the Foundation of the Liberty and Property of every Subject. Why, pray? Because the King's Property in his Town, and in his Goods bought with the Publick Money, as they conceive our Magazine at *Hull* was, is inconsistent with the Subjects Property in their Lands, Goods, and Liberty. Do these Men think, that as they assume a Power of declaring Law, and whatsoever contradicts that Declaration, breaks their Privileges; so that they have a Power of declaring Sense and Reason, and imposing Logick-Syllogisms



Syllogisms on the Schools, as well as Law upon the People. Doth not all Mankind know, that several Men may have several Rights and Interests in the self-same House and Land, and yet neither destroy the other? Is not the Interest of the Lord Paramount, consistent with that of the Mesne Lord, and his with that of the Tenant, and yet their Properties and Interests not at all confounded? And why may not we then have a full, lawful Interest and Property in our Town of *Hull*, and yet our Subjects have a Property in their Houses too? But we cannot sell, or give away at our Pleasure, our Towns and Forts, as a private Man may do his Land or Goods. What then? Many Men may have no Authority to let or set their Leases, or sell their Lands, have they therefore no Title to them, or Interest in them? May they be taken from them, because they cannot sell them? The Purpose of our Journey to *Hull*, was neither to sell it, or give it away.

But for the Magazine, the Munition there that we bought with our own Money, we might surely have sold that, lent, or given it away. No, we bought it with the Publick Money, and the Proof is, They conceive it so; and upon this Conceit have voted, That it shall be taken from us. Excellent Justice! Suppose we had kept this Money by us, and not bought Arms with it; would they have taken it from us upon that Conceit? Nay, may they not, where-soever this Money is, (for through how many Hands soever it hath passed, it is the publick Money still, if it ever were) seize it, and take it from the Owners? But the Towns, Forts, Magazine, and Kingdom is intrusted to us, and we are a Person trusted: We are so, God and the Law hath trusted us, and we have taken an Oath to discharge that Trust, for the Good and Safety of our People. What Oaths they have taken we know not, unless those which in this Violence they have manifestly and maliciously violated. May any thing be taken from a Man, because he is trusted with it? Nay, may the Person himself take away the thing he trusts when he will, and in what manner he will? The Law hath been otherwise, and we believe will be so held notwithstanding their Declarations.

But this Trust ought to be managed by their Advice, and the Kingdom hath trusted them for that purpose. Impossible that the same Trust should be *irrevocably committed to Us and our Heirs for ever*; and the same Trust, and a Power above that Trust (for such is the Power they pretend) be committed to others. Did not the People that sent them, look upon them as a Body but temporary, and dissoluble at our Pleasure? And can it be believed that they intended them for our Guardians and Comptrollers, in the managing of that Trust which God and the Law hath granted to us and our Posterity for ever? What the Extent of their Commission and Trust is, nothing can better teach them than the Writ whereby they are met: We called them, and without that Call they could not have come together to be our Counsellors, not Commanders; for however they frequently confound them, the Offices are several, and Counsellors, not in all things, but in some things, *de quibusdam arduis*, &c. they easily find amongst their Precedents, that Queen *Elizabeth*, upon whose Time all good Men look with Reverence, committed one *Wentworth*, a Member of the House of Commons, to the *Tower*, sitting in the House, but for proposing, that they might advise the Queen, in a Matter she thought they had nothing to do to meddle in. But we are trusted; and are we the only Person trusted? And may they do what their own Inclination and Fury lead them to? Were not they trusted by us, when we first sent for them? And were they not trusted by us, when we passed them our Promise that we would not dissolve them? Can it be presumed, and Presumptions go far with them, that we trusted them with a Power to destroy us, and to dissolve our Government and Authority? If the People might be allowed to make an equitable construction of the Laws and Statutes, a Doctrine avowed by them, would not all our good Subjects swear, we never intended by that Act of Continuance, that they should do what they have since done? Were they not trusted by those that have sent them? And were they trusted to alter the Government of Church and State, and to make themselves perpetual Dictators over the King and People? Did they intend that the Law it self should be subject to their Votes? and that whatsoever they say or do, should be lawful, because they declare it so? The Oaths which they have taken who sent them, and without taking which, themselves are not capable of their Place in Parliament,



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makes the one incapable of giving, and the other of receiving such a Trust, unless they can persuade our good Subjects that we are the only Supreme Head and Governour of all Causes, and over all Persons within our Dominions, and yet that they have a Power over us to constrain us to manage our Trust, and govern our Power according to their Discretion.

The Contrivers of that Declaration tell us, That they will never allow us (an humble and dutiful Expression) to be Judge of the Law, that belongs only to them, they may and must judge and declare. We all know what Power the Pope, under the Pretence of Interpreting Scriptures, and declaring Articles of Faith, tho' he decline the making the one or the other, hath usurped over Mens Consciences, and that under colour of having Power of ordering all things for the Good of Mens Souls, he entitles himself to all the Kingdoms in the World. We will not accuse the Framers of this Declaration, how bold soever they are with us, that they incline to Popery; of which, another Maxim is, That we must submit our Reason and Understanding, and the Scripture it self, to that declaring Power of his: Neither will we tell them, tho' they have told us so, that they use the very Language of the Rebels of *Ireland*; and yet they say those Rebels declare, That whatsoever they do, is for the Good of the King and Kingdom; but our good Subjects will easily put the Case to themselves, Whether if the Papists in *Ireland* in truth were, or by Act or Accident had made themselves the major Part of both Houses of Parliament there, and had pretended the Trust in that Declaration from the Kingdom of *Ireland*, and thereupon had voted their Religion and Liberty to be in danger of Extirpation from a malignant Party of Protestants and Puritans; and therefore that they should put themselves into a Posture of Defence, that the Forts and Militia of that Kingdom were to be put into the Hands of such Persons as they could confide in; that we were indeed trusted with the Towns, Forts, Magazines, Treasures, Offices, and People of the Kingdom, for the Good, and Safety, and best Advantage thereof; but as this Trust is for the Use of the Kingdom, so it ought to be managed by the Advice of both Houses of Parliament, whom the Kingdom had trusted for that Purpose, it being their Duty to see it discharged, according to the Condition and true Intent thereof, and by all possible means to prevent the contrary: We say, Let all our good Subjects consider, if that Rebellion had been plotted with this Formality, and those Circumstances declared to be legal, (at least according to the equitable Sense of the Law, and to be for the publick Good, and justifiable, by necessity of which they were the only Judges) whether tho' they might have thought their Design the more cunning, they would believe it the more justifiable. Nay, let the Framers of this Declaration ask themselves, if the evil Counsellors, the malignant Party, the Persons ill-affected, the Popish Lords their Adherents, should prove now or hereafter to be a major Part of both Houses, for it hath been declared, a great Part of both Houses have been such, and so might have been the greater; nay, that the greater Part of the House of Peers was such, and we have not heard of any of their Conversions; and thereupon it hath been earnestly pressed, that the major Part of the Lords might join with the major Part of the House of Commons: Were we bound to consent to all such Alterations as these Men should propose to us, and resolve to be for the publick Good? And must the Liberty, Property, Security of all our Subjects depend on what such Votes should declare to be Law? Was the Order of the Militia unfit and unlawful, whilst the major Part of the Lords refused to join in it, as they did two, if not three several Times? And it was never heard before this Parliament, that they should be so and so often pressed after a Dissent declared. And did it grow immediately necessary for the publick Safety, and lawful by the Law of the Land, as soon as so many of the dissenting Peers were driven away, (after their Names had been required at the Bar) contrary to the Freedom and Foundation of Parliaments, that the other Opinion prevailed? Doth the Life and Liberty of the Subject depend upon such Accidents of Days and Hours, that it is impossible for him to know his Right in either? God forbid.

But now to justify their Invasion of our ancient, unquestioned, undoubted Right, settled and established on us and our Posterity by God himself, confirmed and strengthened by all possible Titles of Compact, Laws, Oaths, perpetual and uncontradicted Custom by our People: What have they alledged to declare



to the Kingdom, as they say, the Obligation that lieth upon the Kings of this Realm to pass all such Bills as are offered unto them by both Houses of Parliament, a thing never heard of 'till this Day; an Oath (Authority enough for them to break all theirs) that is or ought to be taken by the Kings of this Realm, which is as well to remedy by Law such Inconveniences the Kingdom may suffer, as to keep and protect the Laws already in being; and the Form of this Oath (they say) appears upon a Record there cited, and by a Clause in the Preamble of a Statute made in the Five and Twentieth Year of Edward the Third.

We are not enough acquainted with Records to know whether that be fully and ingenuously cited, and when, and how, and why the several Clauses have been inserted, or taken out of the Oaths formerly administered to the Kings of this Realm: Yet we cannot possibly imagine the Assertion that Declaration makes, can be deduced from the Words, or the Matter of that Oath; for unless they have a Power of declaring *Latin* as well as Law, sure *Elegerit* signifieth *hath chosen*, as well as *will chuse*, and that it signifieth so here, besides the Authority of the perpetual Practice of all succeeding Ages (a better Interpreter than their Votes) is evident by the Reference it hath to Customs; *Consuetudines quas vulgus elegerit*: And could that be a Custom which the People should chuse after this Oath taken? And should a King be sworn to defend such Customs? Besides, can it be imagin'd, that he should be bound by Oath to pass such Laws? and such a Law is the Bill they brought to us of the Militia, as should put the Power wherewith he is trusted, out of himself in the Hands of other Men, and divest and disable him of all possible Power to perform the great Business of the Oath, which is to protect them. If we give away all our Power, or if it be taken from us, we cannot protect any Man. And what discharge would it be for us, either before God or Man, when our good Subjects, whom God and the Law hath committed to our Charge, shall be worried and spoiled, to say, that we trusted others to protect them; that is, to do that Duty for us which is *essentially* and *inseparably* our own. But that all good Subjects may see how faithfully these Men, who assume this Trust from them, desire to discharge their Trust, we shall be contented to publish for their Satisfaction, a Matter notorious enough, but which we ourselves never thought to have been put to publish, and of which the Framers of that Declaration might as well have made use of, as of a *Latin* Record, they knew many of our good Subjects could not, and many of themselves do not understand: The Oath it self we took at our Coronation, warranted and enjoined to it by the Custom and Directions of our Predecessors, and the Ceremony of their and our taking it they may find it in the Records of the *Exchequer*; this it is,

The Sermon being done, the Archbishop goeth to the King, and asks his Willingness to take the Oath usually taken by his Predecessors.

The King sheweth himself willing, ariseth and goeth to the Altar: The Archbishop administreth these Questions, and the King answers them severally.

*Episcopus.* “ Sir, Will you grant and keep, and by your Oath confirm to the People of *England*, the Laws and the Customs to them granted by the Kings of *England*, your lawful and religious Predecessors; and namely, the Laws, Customs, and Franchises granted to the Clergy by the glorious King Saint *Edward*, your Predecessor, according to the Laws of God, the true Profession of the Gospel established in this Kingdom, and agreeable to the Prerogative of the Kings thereof, and the ancient Customs of this Realm?

*Rex.* I grant and promise to keep them.

*Episcopus.*



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*Episcopus.* “ Sir, Will your keep Peace and Godly Agreement entirely according to your Power, both to God, the Holy Church, the Clergy, and the People ?

*Rex.* *I will keep it.*

*Episcopus.* “ Sir, Will you to your Power cause Law, Justice, and Dilcretion in Mercy and Truth, to be executed in all your Judgments ?

*Rex.* *I will.*

*Episcopus.* “ Sir, Will you grant to hold and keep the Laws and rightful Customs which the Commonalty of this your Kingdom have, and will you defend and uphold them to the Honour of God, so much as in you lieth ?

*Rex.* *I grant and promise so to do.*

Then one of the Bishops reads this Admonition to the King before the People with a loud Voice.

“ Our Lord and King, we beseech you to pardon, and to grant, and to preserve unto us and to the Churches committed to our Charge, all Canonical Privileges, and due Law and Justice ; and that you would protect and defend us, as every good King in his Kingdoms ought to be Protector and Defender of the Bishops and the Churches under their Government.

The King answereth :

*With a willing and devout Heart I promise and grant my Pardon, and that I will preserve and maintain to you, and the Churches committed to your Charge, all Canonical Privileges, and due Law and Justice ; and that I will be your Protector and Defender to my Power, by the Assistance of God, as every good King in his Kingdom in Right ought to protect and defend the Bishops and Churches under their Government.*

Then the King ariseth, and is led to the Communion-Table, where he makes a solemn Oath in Sight of all the People to observe the Premises ; and laying his Hand upon the Book, saith,

The O A T H.

**T**HE Things which I have before promised, I shall perform and keep. So help me God, and the Contents of this Book.

Let now all the World judge, whether such Doctrine, or such Conclusions as these Men teach, can follow, or have the least Pretence from this Oath ?

For the Preamble of the Statute they cite, that tells us, That the King is bound to remedy by Law the Mischiefs and Damages which happen to the People : He is so. But is the King bound by the Preamble of that Statute, to renounce his own Judgment, his own Understanding in these Mischiefs ? and of those Remedies, how far forth he is obliged to follow the Judgment of his Parliament, that Declaration still confesseth to be a Question. Without question, none can take upon them to remedy even Mischiefs but by Law, for fear of greater Mischiefs than those they go about to remedy.

But



But we are bound in Justice to consent to their Proposals, because there is a Trust reposed in us to preserve the Kingdom by making new Laws; We are glad there is so: Then we are sure no new Laws can be made without our Consent; and that the gentleness of Answer, *Le Roy s'avisera*, if it be no Denial, is no Consent, and then the matter is not great: They will allow us yet a greater latitude of granting or denying, as we shall think fit, in publick Acts of Grace; as Pardons, or the like Grants of Favour: Why do they so, if those Pardons and publick Acts of Grace be for the publick Good, (which they may vote they are) they will then be absolutely in their own disposal? But have they left us this Power? they have sure at least shared it with us: How else have they got the Power to pardon Serjeant Major-General Skippon (a new Officer of State, and a Subject we have no Authority to send to speak with) and all other Persons employ'd by them, and such as have employ'd themselves for them, not only for what they have done, but for what they shall do? If they have Power to declare such Actions to be no Treason which we would not pardon, and such Actions to be Treason which needs no Pardon; the Latitude they allow us of granting or denying of Pardons, is a Jewel they may still be contented to suffer us to wear in our Crown, and never think themselves the more in danger.

All this consider'd, the Contrivers of that Message, (since they will afford him no better Title) whom they are angry with, doth not conceive the People of this Land to be so void of common Sense as to believe us (who have deny'd no one thing for the Ease and Benefit of them, which in Justice or Prudence could be asked, or in Honour or Conscience could be granted) to have cast off all Care of our Subjects Good; and the Framers and Devisers of that Declaration, who have endeavoured to render us odious to our Subjects, and them disloyal to us, by pretending such a Trust from them to have only taken it up; neither (we are confident) will they be satisfy'd when they feel the Misery and the Burdens which the Fury and the Malice of those People will bring upon them, with being told, that Calamity proceeds from evil Counsellors, whom no body can name; from Plots and Conspiracies, which no Man can discover; and from Fears and Jealousies, which no Man understands: And therefore that the Consideration of it be left to the Conscience, Reason, Affection, and Loyalty of our good Subjects, who do understand the Government of this Kingdom, we are well content.

Where will the Folly and Madness of these People end, who would have our People believe, that our absenting our self from *London*, where with our Safety we could not stay; and the continuing our Magazine at *Hull*, proceeded from the secret Plots of the Papists here, and to advance the Designs of the Papists in *Ireland*? But it is no wonder that they who can believe Sir *John Hotham's* shutting us out of *Hull*, to be an Act of Affection and Loyalty, will believe that the *Papists* or the *Turks* perswaded us to go thither.

And can any sober Man think that Declaration to be the Consent of either or both Houses of Parliament, unaltered either by Fraud or Force, which (after so many Thanks and humble Acknowledgments of our gracious Favour in our Message of *Jan. 20.* so often and so unanimously presented unto us from both Houses of Parliament) tells us, That the Message at first was, and as often as it hath been since mentioned by us, hath been a Breach of Privilege, (of which they have not used to be so negligent, as in four Months not to complain, if such a Breach had been) and that the way and method of proceeding should not be proposed to them, as if we had only Authority to call them together, none to tell them what they were to do, not so much as with reference to our own Affairs. What their own Method hath been, and whither it hath led them, and brought the Kingdom, all Men see; what ours would have been, if seasonably and timely apply'd unto, let all Men judge: We will speak no more of it.

But see now what excellent Instances they have found out to prove an Inclination, if not in us, to some about us, to Civil War. Their going with us to the House of Commons (so often urged, and so fully answered) their attending on us to *Hampton-Court*, and appearing in a warlike manner at *Kingston upon Thames*; our going to *Hull*; their drawing their Swords at *York*, demanding who would be for the King; the declaring Sir *John Hotham* Traytor before the Message sent to



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to the Parliament; the Propositions to the Gentry in *Yorkshire* to assist us against him, before we had received an Answer from the Parliament; all desperate Instances of an Inclination to a Civil War: Examine them again. The Manner and Intent of our going to the House of Commons, we set forth at large in our Answer to their Declaration of the 19th of *May*. Let all Men judge. Next, do these Men themselves believe (to what purpose soever that Rumour hath served their Turns) that there was an Appearance in a warlike manner at *Kingston upon Thames*? Do they not know, that whensoever we have been at *Hampton-Court*, since our first coming to the Crown, there was never a less Appearance, or in a less warlike Manner than at the Time they mean? We shall say no more, but that our Appearance in a warlike Manner at *Kingston upon Thames*, and theirs at *Kingston upon Hull*, is very different. What is meant by drawing of Swords at *York*, and demanding who would be for the King, must be inquired at *London*; for we believe very few in *York* understand the Meaning of it. For our going to *Hull* (which they will by no means endure shall be called a Visit) whether it were not the way to prevent rather than make a Civil War, is very obvious; and the declaring him a Traytor in the very Act of his Treason, will never be thought unseasonable, but by those who believe him to be a Loving and Loyal Subject, no more than the endeavouring to make the Gentlemen of this County sensible of that Treason (which they are in an honourable and dutiful Degree) before we received our Answer from both Houses of Parliament. For if they had been (as we expected they should have been) sensible of that intolerable Injury offered to us, might not we have had Occasion to have used the Affection of these Gentlemen? Were we sure that Sir *John Hotham*, who had kept us out without their Order (we speak of a publick Order) would have let us in when they had bidden him? And if they had not such a sense of us, as the case falls out to be, had we not more reason to make Propositions to those Gentlemen, whose Readiness and Affection we, or our Posterity shall never forget.

But this Business of *Hull* sticks still with them, and finding our Questions hard, they are pleased to answer us by asking us other Questions. No matter of the Exceptions against the Earl of *Newcastle*, (which have been so often urged, as one of the principal Grounds of their Fears and Jealousies, and which drew that Question from us) they ask us why, since we held it necessary that a Governour should be placed in *Hull*, Sir *John Hotham* should be refused by us, and the Earl of *Newcastle* sent down? We answer, because we had a better Opinion of the Earl of *Newcastle* than of Sir *John Hotham*, and desired to have such a Governour over our Towns (if we must have any) as should keep them for, and not against us: And if his going down were in a more private way than Sir *John Hotham's*, it was because we had not that Authority to make a noise by levying and billeting of Soldiers in a peaceable time upon our good Subjects, as it seems Sir *John Hotham* carry'd down with him; and the Imputation which is cast by the way upon that Earl, to make his Reputation not so unblemished as we conceived, and the World believes it to be, and which, tho' it was not Ground enough for a judicial Proceeding (it is wonder it was not) was yet of suspicion, must be the Case of every Subject in *England*, (and we wish it went no higher) if every vile Aspersions contrived by unknown Hands, upon unknown or unimaginable Grounds (which is the way practised to bring any vertuous and deserving Men into Obloquy) shall receive the least Credit or Countenance in the World!

They tell us their Exception to those Gentlemen, who delivered their Petition to us at *York*, was, That they presumed to take the Style upon them of all the Gentry and Inhabitants of that County; whereas they say, so many more of as good Quality as themselves of that County, were of another Opinion, and have since, by their Petition to us, disavowed that Act. Their Information in that Point is no better than it useth to be; and they will find, that neither the Number or the Quality of those who have, or will disavow that Petition, are, as they imagine; tho' too many weak Persons are misled, which they do, and will every Day more understand, by the Faction, Skill, and Industry of that true malignant Party of which we do and have reason to complain. They say, they have received no Petition of so strange a Nature. What Nature? contrary to the Votes of both Houses? That is, they have received no Petition, they



they had no Mind to receive. But we told them, and we tell them again, and all our good Subjects will tell them, that they have received Petitions, (with Joy and Approbation) against the Votes of both Houses of their Predecessors, confirmed and established into Laws, by the Consent of us and our Ancestors; and allowed those Petitions to carry the Style, and to seem to carry the Desires of Cities, Towns, and Counties; when of either City, Town, or County, very few known or considerable Persons have been privy to such Petitions: Whereas in truth the Petitions delivered to us (against which they except) carried not the Style of all, but some of the Gentry and Inhabitants; and imply'd no other Consent, than such as went visibly along with it.

But we are all this while in a Mistake, the Magazine at *Hull* is not taken from us. Who told you so? They who assure you, (and whom without breaking their Privileges you must believe) that Sir *John Hotham's* shutting the Gates against us, and resisting our Entrance with armed Men, (tho' we thought it in Defiance of us) was indeed in Obedience to us and our Authority, and for our Service, and the Service of the Kingdom; he was to let none in, but such as came with our Authority, signified by both Houses of Parliament, himself and they had ordered it so: And therefore he kept us out only 'till we or he might send for their Directions. We know not whether the Contrivers of that Declaration meant, that our good Subjects should so soon understand, tho' it was plain enough to be understood, the Meaning of the King's Authority, signified by both Houses of Parliament: But sure the World will now easily discern in what miserable Case we had by this time been (it is bad enough as it is) if we had consented to their Bill, or to their Ordinance of the *Militia*, and given those Men Power to have raised all the Arms of the Kingdom against us, (for the Common Good, by our own Authority) would they not, as they have kept us from *Hull*, by this Time have beaten us from *York*, and pursued us out of the Kingdom in our own behalf? Nay, may not this Munition, which is not taken from us, be employ'd against us? not against our Authority, signified by both Houses of Parliament, but only to kill those ill Counsellors, the malignant Party which is about us, and yet for our Good, for the Publick Good, they will declare it so, and so no Treason within the Statute of 25 *Edward III.* which by their Interpretation hath left us (the King of *England*) absolutely less provided for, in point of Safety, than the meanest Subject of the Kingdom; and every Subject of this Land, for whose Security that Law was made, that they may know their Duty, and their Danger in breaking it, may be made a Traytor, when these Men please to say he is so. But do they think, that upon such an Interpretation, (upon Pretence of Authority of Book-Cases and Precedents, which without doubt they would have cited if it had been to their purpose) out of which nothing can result, but Confusion to King and People, will find any Credit with our good Subjects; and that so excellent a Law, made both for Security of King and People, shall be so eluded, by an Interpretation no learned Lawyer in *England* will at this Hour, we believe, set under his Hand, notwithstanding the Authority of that Declaration, which we hope shall bring nothing but Infamy upon the Contrivers of it.

Now to their Privileges. Tho' it be true, they say, that their Privileges do not extend to Treason, Felony, or Breach of the Peace, so as to exempt Members from all manner of Process and Tryal, yet it doth privilege them in the way or method of their Tryal: The Cause must be first brought before them, and their Consent asked before you can proceed! Why, then their Privileges extend as far in these Cases, as in any that are most unquestioned; for no Privilege whatsoever exempts them from all manner of Process and Tryal, if you first acquaint the House with it, and they give you leave to proceed, by those Process, or to that Tryal. But by this Rule, If a Member of either House commit a Murder, you must by no means meddle with him, 'till you have acquainted that House of which he is a Member, and received their Direction for your proceeding, assuring your self, he will not stir from that place where you left him, 'till you return with their Consent; should it be otherwise, it would be in the Power of every Man, under pretence of Murder, to take one after another, and as many as he pleaseth, and so consequently bring a Parliament to what he pleaseth, when he pleaseth: If a Member of either House shall take a Purse at *York*, (he may as probably take a Purse from a Subject, as Arms against his King)



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you must ride to *London* to know what to do, and he may ride with you, and take a new Purse every Stage, and must not be apprehended, or declared a Felon, 'till you have asked that House, of which he is a Member; should it be otherwise, it might be in every Man's Power to accuse as many Members as he would of taking Purses, and so bring a Parliament, and so all Parliaments to nothing. Would these Men be believed? and yet they make no doubt but every one who hath taken the Protestation, will defend this Doctrine with his Life and Fortune? Will not our Subjects believe, that they have imposed a pretty Protestation upon them and that they had a very good End in the doing it, if it obligeth them to such Hazards, to such Undertakings? Must they forget or neglect our Person, Honour, and Estate, which by that Protestation they are bound to defend, and in some Degree do understand? And must they only venture their Lives and Fortunes to justify Privileges they know not, or ever heard of before? Or, are they bound by that Protestation to believe, that the Framers of that Declaration have Power to extend their own Privileges as far as they think fit, and to contract our Rights as much as they please, and that they are bound to believe them in either, and to venture their Lives and Fortunes in that Quarrel.

From declaring how mean a Person we are, and how much the Kingdom hath been mistaken in the understanding of the Statute of 25 E. 3. concerning Treason; and that all Men need not fear levying War against us, so they have their Order to warrant them; they proceed in the Spirit of declaring, to certify our Subjects in the Mistakings, which near one hundred and fifty Years have been received concerning the Statute of the eleventh Year of H. 7. Cap. 1. (a Statute our good Subjects will read with Comfort) and tell them, that the Service of the King, for the time being, cannot be meant of *Perkin Warbeck*, or of any that should call him King, but such a one as is allowed and received by the Parliament in the behalf of the Kingdom: And are we not so allowed? however, thro' a dark Mist of Words, and urging their old Privileges, which we hope we have sufficiently answered, and will be every Day more confuted by the Actions of our good Subjects, they conclude, that those that shall guide themselves by the Judgment of Parliament, (which they say is their own) ought, whatsoever happen, to be secure and free from all Accompts and Penalties, upon the Ground and Equity of that very Statute. How far their own Chancellours may help them in that Equity, we know not; but (by the Help of God, and that good Law) we shall allow no such Equity.

So then here is the Doctrine of that Declaration, and these are the Positions of the Contrivers of it.

1. That they have an absolute Power of declaring the Law; and that whatsoever they declare to be so, ought not to be questioned by our self, or any Subject. So that all Right, and Safety of us and our People, must depend upon their Pleasure.

2. That no Precedents can be Limits to bound their Proceedings: So they may do what they please.

3. That a Parliament may dispose of any Thing, wherein the King or Subject hath a Right, for the Publick Good: That they, without the King, are this Parliament, and Judge of this publick Good, and that our Consent is not necessary. So the Life and Liberty of the Subject, and all the good Laws made for the Security of them, may be disposed of and repealed by the major Part of both Houses, at any Time present, and by any Ways and Means procured so to be, and we have no Power to protect them.

4. That no Member of either House ought to be troubled or meddled with, for Treason, Felony, or any other Crime, without the Cause first brought before them, that they may judge of the Fact, and their Leave obtained to proceed.

5. That the Sovereign Power resides in both Houses of Parliament, and that we have no Negative Voice; so then we our self must be subject to their Commands.

6. That the levying of Forces against the personal Commands of the King, (tho' accompany'd with his presence) is not levying War against the King, but the levying War against his Laws and Authority, (which they have Power to declare and signify) though not against his Person, is levying War against the King;



King; and that Treason cannot be committed against his Person, otherwise than as he is intrusted with the Kingdom, and discharging that Trust; and that they have a Power to judge whether he discharged this Trust or no.

7. That if they should make the highest Precedents of our Parliaments their Patterns, there would be no cause to complain of want of Modesty or Duty in them; that is, they may depose us when they will, and are not to be blamed for so doing.

And now, as if the meer publishing of their Resolutions, would not only prevail with the People, but in the instant destroy all Spirit and Courage in us, to preserve our own Right and Honour, they have since taken the Boldness to assault us with certain Propositions, which they call, *The most necessary effectual Means for the removing those Jealousies and Differences between us and our People*; that is, That we will be content to divest our self of all our Regal Rights and Dignities; be content with the Title of a King, and suffer them (according to their Discretion) to govern us and the Kingdom, and to dispose of our Children. How suitable and agreeable this Doctrine and these Demands are, to the Affection of our loving Subjects, under whose Trust these Men pretend to say and do these monstrous Things; and to design, not only the Ruin of our Person, but of our Monarchy it self, (which we may justly say, is more than ever was offered in any of our Predecessors Times: For tho' the Person of the King hath been sometimes unjustly deposed, yet the Regal Power was never before this Time stricken at) we believe our good Subjects will find some way to let them and the World know. And from this Time, such who have been misled by their ill Counsels, to have any Hand in the Execution of the *Militia*, will see to what ends their Service is designed; and therefore if they shall presume hereafter to meddle in it, they must expect that we will immediately proceed against them, as actual Raisers of Sedition, and as Enemies to our Sovereign Power.

We have done, and shall now expect the worst Actions these Men have Power to commit against us; and we doubt not but the major Part of both Houses of Parliament, when they may come together with their Honour and Safety, as well those who were surprized at the Passing of it, and understood not the Malice in it, and the Confusion that must grow by it, if believed, as those who were absent and involved, will so far resent the Indignity offer'd to us, the Dishonour to themselves, and the Mischief to the whole Kingdom, by that Declaration, that they will speedily make the foul Contrivers of it, Instances of their exemplary Justice, and brand them and their Doctrine with the Marks of their perpetual Scorn and Indignation.

To this his Majesty's Answer, the two Houses sometime after published a Reply; but the same being very tedious, is referred to the *Appendix*, where you will find it at large.

About the middle of *May*, Mr. *Beckwith* of *Beverley* sent a Letter to one Lieutenant *Fowkes*, who had marry'd his Daughter, and was then Lieutenant to Captain *Lowinger*, a Dutch-man, then in Command under Sir *John Hotham* in *Hull*. Which Letter *Fowkes* shewed to Mr. *Robert Stockdale*, then Secretary to Sir *John*. The Contents to this Effect, viz.

Son *Fowkes*,

"I pray you will not fail to come this Day to see me, I have something of Concern to advise with you about, therefore I desire you not to fail to come to me.

*Fowkes* desired *Stockdale* to shew this Letter to Sir *John Hotham*, and obtain his Leave to go, promising to return next Day at what Time he should appoint, and give him a true Account. Which Sir *John* granted, ordering him to return next Day by Ten o'Clock: Which accordingly he did, and gave Sir *John* this following Account.——That

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being

18 Caroli.

A Design  
against *Hull*,  
carry'd on by  
Mr. *Beckwith*,  
defeated, May  
1642.



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being come to his Father's, and kindly received, in the Parlour he found about fourteen or fifteen Gentlemen; one of which had a Vizor on, whom he did suppose to be Sir *Joceline Piercy*, a Papist, then dwelling in *Beverley*, the rest were all Strangers to him. After Civilities had passed, they told him, They believed that neither he nor his Captain took up Arms under *Hotham* out of any Disloyalty to the King, but for their better support as Soldiers. He reply'd, That neither he, nor his Captain neither, had any Design of Disloyalty, but should always testify the contrary when any Occasion should happen. Upon which they thanked him; and after some further Discourse, he was told, That it lay in his and his Captain's Power, to do his Majesty such Service as would procure to themselves Honour and Advantage, and proposed that he would consult his Captain; and if they would think of some Way to deliver up *Hull* to the King, his Captain should have 1000 *l. per Annum* settled upon him and his Heirs, and 1000 *l.* in Money; and he 500 *l. per Annum*, and 500 *l.* in Money; and one of them gave him Fifty Pieces of Gold as an Earnest, (which Gold the Lieutenant shewed to Sir *John Hotham*). He seemed to comply; but desiring to know whom he should correspond with, they told him only with his Father *Beckwith*.

Sir *J. Hotham*, with thanks and promise of Reward, ordered *Fowkes* to proceed, and drew up a Letter, which was transcribed by *Fowkes* to *Beckwith*, That he found the Captain compliable, and should give them Advice, as they proceeded. Several Letters thus pass'd, to humour the Design, 'till Sir *John* thought fit to bring it to an Issue, by framing a Letter in *Fowkes*'s Hand to this purpose: That on Tuesday next his Captain and he were to come upon the Guard, his Captain to command the Main-Guard, and he the North-Gate; therefore desired his Majesty would that Afternoon send from *Tork* 1000 Horse, and 500 Foot to ride behind the Horse for Expedition; and that they should be at *Hull* at two o'Clock in the Morning; with a small Party give the Alarm at *Mytan-Gate*, and with the main Body advance to the *North-Gate*, where he would give them Entrance, so they might march up to the Main-Guard, which his Captain would deliver into their Hands, and so the Town become their own without Hazard. Which was agreed on by *Beckwith*, in an Answer returned on the Monday.

Then Sir *John* opened the Matter at a Council of War, where the Majority was for permitting the intended Forces to come, and cut them off: Which Sir *John* opposed, saying, He would never shed Blood when he could save it, and rather chose to give Notice of it to his Majesty; sending away, about One of the Clock that Night, his Secretary: Who next Morning arrived at *Tork*, and presented a Letter from *Hotham*, of the Discovery of the Design. In reading of which his Majesty seemed pleased, it giving a Stop to the Effusion of Blood; some Gentlemen of Quality being then on Horseback, in order to the intended March.

The next Day Sir *John Hotham* sent an Express to the Parliament, who voted him Thanks, and ordered a Messenger for *Beckwith*, who seized him at *Tork*, by virtue of an Order of both Houses: But he was taken from the Messenger, his Majesty saying, That when the Parliament gave him Justice against Sir *John Hotham*, he would deliver *Beckwith* to them.

The King's Guards at *Tork* daily encreasing, and his Majesty resolving, as soon as possible, to make himself Master of the Town of *Hull*, and bring *Hotham* to exemplary Punishment: Therefore for his

own



own Security, and to prevent any Practices within the Town, Sir *John Hotham* thought it necessary to try and engage the Inhabitants by a Protestation for the Maintenance of *Hull* for the King and Parliament, and Kingdom's Use, which was taken by the greater Part of the People, and such as refused were expelled the Town.

Likewise Sir *John Hotham* supposing that the King's Aim was principally to gain the Magazine, did therefore send all the great Ordnance back to *London*, and also great Store of Arms and Ammunition, hoping, that the same being removed, he should be the more quiet: And indeed the King for want of Ordnance, was not yet in a Condition to attack him. But on the 2d of *June*, 1642. the Ship called the *Providence* (coming from *Holland*, and making an Escape from the *May-Flower*, which had taken her in *Humber*, and was bringing her into *Hull*) ran a-shore upon *Holderness-Coast* in *Kenningham-Creek*, with sixteen Pieces of Ordnance, and great Store of Arms and Ammunition, having been long expected by the Royal Party; and the Tidings being carry'd to *Tork* of her Arrival, they unburthened the Ship and armed themselves, and divers Country-men, and prepared for the beleaguering of *Hull*; in order to which his Majesty sent the following Message and Proclamation to the two Houses, touching the Reason of his Advance before that Town.

18 *Caroli.*

*His Majesty's Message to both Houses of Parliament of the 11th. of July, 1642. with the Proclamation ensuing.*

BY our former Declarations, and this our Proclamation (which we here-with send you) you and all our good Subjects, may see the just Grounds of our present Journey towards our Town of *Hull*. Before we shall use Force to reduce that Place to its due Obedience, we have thought fit once more to require you, that it may be forthwith deliver'd up to us, (the business being of that nature, that it can admit no delay): Wherein if you shall conform your selves, we shall then be willing to admit such *Addresses* from you, and return such *Propositions* to you, as may be proper to settle the Peace of this Kingdom, and compose the present Distractions. Do your Duty herein, and be assured from us, in the Word of a King, that nothing shall be wanting on our Part, that may prevent the Calamities which threaten this Nation, and may render our People truly happy. If this our gracious Invitation shall be declined, God, and all good Men judge betwixt us. We shall expect to receive Satisfaction herein by your Answer to be presented to us at *Beverley*, upon *Friday* next, being the 15th. of this present *July*.

The King's  
Message, *July*  
11, 1642.  
touching his  
advance to  
besiege *Hull*.

By the KING.

*A Proclamation; declaring our Purpose to go in our Royal Person to Hull, and the true Occasion and End thereof.*

WE having long complained of the high Affront done unto us in our own Person by Sir *John Hotham*, when we went to our Town of *Hull*, to view our Magazine and Arms, our own proper Goods, (if we shall be allowed to call any thing our own) which then were there; and since by, and under colour of Orders made by both our Houses of Parliament, not only without, but against our Consent, violently taken and carry'd from thence; and for that the Town it self being the principal Fort and Port of these Northern Parts of this Kingdom, in a warlike manner, with many

A Proclama-  
tion of the  
Reasons of  
the King's  
Besieging  
*Hull*, *July* 8,  
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many hundreds of Soldiers hath been kept and maintained against us, as a Garrison and Town of War, as against an Enemy; and that by the Practice of a malignant Party, which hath too great an Influence upon our two Houses of Parliament. Instead of repairing our Honour for this Indignity, several Orders and Votes of the major Part then present, have been made to justify all this as *Legal*, which Orders and Votes would have us, and others to believe, upon the many Protestations in Print, that there hath been nothing done therein (as in many other things of that nature) but for the Safety of our Person, the Honour of our *Crown*, and Good of the Kingdom; as if *Words* directly contrary to these Actions of Hostility could satisfy us, or any reasonable Man, not blinded with Self-Opinion, or abused and misled by vain and false Surmises, or groundless Jealousies. We have now looked somewhat more narrowly into the Manner of Sir *John Hotham's* Carriage in this his Employment, and did find by the certain Relation of others, that for the Fortifying of the Place against us his *Liege Lord*, he hath used the help of Art in making Outworks to defend the Town; he hath purposely cut the *Banks*, and let in the Waters to drown the Land-passages, and to make the Town inaccessible by that way: He hath set forth a *Pinnacle* (amongst other good Services) to intercept a *Pinnacle* of ours employ'd for carrying of *Letters*, Messages and Passengers between us and our dearest Consort the *Queen*; he permitteth his Soldiers to issue out of the Town, and forage upon the Country: He hath not only unlawfully, but tyrannically cast out divers Inhabitants of the Town from their Dwellings, because he could not confide in them: He hath *disarmed* all the Townsmen, that he might put the sole Power in the Soldiery under his Command; he doth compel some others of the Inhabitants desirous to depart the Town with their Families, to abide and continue there against their Wills; and by drowning of the Lands about the Town in manner as aforesaid, he hath destroyed the Pastures, Meadows, and Corn-Lands within that Compass, containing some thousands of Acres of very fruitful Grounds, amounting to a great value, to the great impoverishing of the Owners and Occupiers thereof. And he hath for divers Months continued in Pay many hundreds of Soldiers, and endeavoured under pretence of Authority from the two Houses of Parliament, to increase their Number from the County of *Lincoln* adjoining, and from other Places; and this at the publick Charge of the Kingdom, and out of those Monies provided for the Relief of the Miseries of *Ireland*, and Payment of the great Debt to our Kingdom of *Scotland*.

Whereupon we being very sensible of this extream Dishonour to us, that a Town of such Importance, and so near to the Place of our present Residence, should be thus fortified, kept, and maintained against us; that the Port and Passage by Sea should be defended against us by our own Ships, under the Conduct of the Earl of *Warwick*, who being legally discharged by us of his Employment by Sea, by our Revocation of the *Commission* formerly granted by us to the Earl of *Northumberland*, and by our Command signified unto him under our own Hand, to deliver the Command of our Ships into the Hands of another Person named by us, hath, notwithstanding our said Commands, (to which the Earl of *Northumberland* paid a Dutiful Obedience) presumed, not only to dispossess us of our said Navy, but to employ it against us; and to take Prisoners such of our Captains as expressed a Loyalty to us, according to their Oaths, and the Duty of Subjects. And that a *Ship* of ours lately employ'd for our particular Service into *Holland*, and returning from thence with some of our proper Goods, hath been chased by them as an Enemy, and enforced for her Safety, to put into a small *Creek* within six Miles of that Town, and there to run on Ground, to the great hazard of our said Vessel; and that both our Ship and Goods there were yet remaining in danger to be surprized by our own Subjects. We took a Journey on *Wednesday* the Sixth of this Month from *York* towards the said *Creek*, to take a View of our said Ship and Goods thus exposed to danger; we having just Cause to fear that Sir *John Hotham*, and others of his Confederacy, would (for our Good, and the Good of the Kingdom) make Prize of these also. And by the Opportunity of that Journey, we our self are now fully informed of the Certainty of those Things, which we had before received

but



18 Caroli.

but from the Relation of others ; and there received a lamentable Petition of our Subjects of those parts, complaining of the unheard of *Insolence* and *Barbarism* of Sir *John Hotham*, and desiring our just and necessary Protection of them from those cruel Oppressions.

Upon all which Considerations, that we may at length, after this long Patience, do that Right to our Honour, our Crown and Royal Dignity, and to our good Subjects in general, and those of and near to our Town of *Hull* in particular ; which we had Reason to have expected from our Two Houses of Parliament, but have failed of the Fruits of our long Expectation, by the Malice of some ill-affected Spirits amongst them, who study nothing more, than by false pretences to amuse and abuse our good People. We have taken this Resolution, by God's Blessing, and the Assistance of our good Subjects, to force Sir *John Hotham*, and all that shall take part with him, in the unjust and treasonable Defence of the Town of *Hull* against us, to that Obedience which is due by Subjects to their Liege Lord and Sovereign ; and to resist the Assistance intended to Sir *John Hotham*, from our said County of *Lincoln*, and other places adjoyning, if they shall attempt it. And to this purpose we Will and Require all our loving Subjects to yield their best Assistance, of what kind soever, to so necessary a Defence of our Person, and just Vindication of so great an Injury offer'd unto us, to the Dishonour of this Nation. And we do declare, That whosoever shall give us their chearful Help at this Time, and to this Purpose, either with Men, Horse, Arms, or Money, to be brought, sent, or conveyed unto us, we shall look upon it as a Service never to be forgotten.

And this we publish to all our Subjects, and to all the World, that they may truly understand the clearness of our Intentions herein, as we shall do in all other things concerning our Government : And that we do and ever shall maintain those Resolutions we have professed so often, and so seriously by our former Declarations, That we will continue and defend the true Protestant Religion, as it is by Law established in the Church of *England*, the Laws of the Land, the Rights and just Liberties of our Subjects, equally to and with our own just Prerogative, and the true Privileges of Parliament, and never infringe any Act consented to by us, this Parliament ; and that we have not, nor ever had the least thought of making War upon our two Houses of Parliament, as hath been slanderously and maliciously published. And these things, not our Words only, but all our Actions shall make good. And in this Resolution, and the just Observation thereof, we shall both live and die.

Given at our Court at *Beverley*, the Eighth Day of *July*, in the Eighteenth Year of our Reign, 1642.

The two Houses of Parliament, before the Receipt of this Message of the 11th. of *July*, had prepared and concluded the following Petition to be presented to his Majesty, and therefore resolved not to return any other Answer thereunto. But lest his Majesty should think it a Delatoriness in the Parliament to return an Answer, the two Houses sent the Author of these *Collections* Post to *Beverley*, to acquaint his Majesty, that the Earl of *Holland*, Sir *John Holland*, and Sir *Philip Stapleton*, were coming down with a Petition of both Houses, in answer to his Majesty's said Message of the 11th. of *July* ; which is as followeth :

*To the King's most Excellent Majesty, The Humble Petition of the Lords and Commons in Parliament Assembled.*

*May it please your Majesty,*

Although we your Majesty's most humble and faithful Subjects, the Lords and Commons in Parliament assembled, have been very unhappy in many former Petitions and Supplications to your Majesty, wherein we have represented our most dutiful Affections, in advising and desiring those things which

The Parliament's Petition to the King at *Beverley*, *July* 15, 1642.



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which we held most necessary for the Preservation of God's true Religion, your Majesty's Safety and Honour, and the Peace of the Kingdom: And with much Sorrow do perceive, That your Majesty, incensed by many false Calumnies and Slanders, doth continue to raise Forces against us, and your other peaceable and loyal Subjects, and to make great Preparations for War, both in the Kingdom, and from beyond the Seas: And by Arms and Violence, to over-rule the Judgment and Advice of your Great Council; and by Force to determine the Questions there depending, concerning the Government and Liberty of the Kingdom: Yet such is our earnest desire of discharging our Duty to your Majesty and the Kingdom, to preserve the Peace thereof, and to prevent the Miseries of Civil War amongst your Subjects, That notwithstanding we hold our selves bound to use all the Means and Power, which by the Laws and Constitutions of this Kingdom we are trusted with, for Defence and Protection thereof, and of the Subjects from Force and Violence; we do in this our humble and loyal Petition, prostrate ourselves at your Majesty's Feet, beseeching your Royal Majesty, That you will be pleased to forbear and remove all Preparations and Actions of War, particularly the Forces from about *Hull*, from *Newcastle*, *Tinmouth*, *Lincoln*, and *Lincolnshire*, and all other Places. And that your Majesty will recall the Commissions of Array, which are illegal; dismiss Troops, and extraordinary Guards by you raised: That your Majesty will come nearer to your Parliament, and hearken to their faithful Advice, and humble Petitions, which shall only tend to the Defence and Advancement of Religion, your own Royal Honour and Safety, and the Preservation of our Laws and Liberties. And we have been, and shall ever be careful to prevent and punish all Tumults and seditious Actions, Speeches, and Writings, which may give your Majesty just Cause of Distaste, or Apprehension of Danger, from which publick Aims and Resolutions, no sinister or private Respect shall ever make us to decline: That your Majesty will leave Delinquents to the due Course of Justice; and that nothing done or spoken in Parliament, or by any Person in pursuance of the Command and Direction of both Houses of Parliament, be questioned any where but in Parliament.

And we, for our Parts, shall be ready to lay down all those Preparations which we have been forced to make for our Defence. And for the Town of *Hull*, and the Ordinance concerning the *Militia*, as we have in both the Particulars, only sought the Preservation of the Peace of the Kingdom, and the Defence of the Parliament from Force and Violence: So we shall most willingly leave the Town of *Hull* in the State it was before Sir *John Hotham* drew any Forces into it, delivering your Majesty's Magazine into the Tower of *London*; and supplying whatsoever hath been disposed by us for the Service of the Kingdom. We shall be ready to settle the *Militia* by a Bill, in such a way, as shall be honourable and safe for your Majesty, most agreeable to the Duty of Parliament, and effectual for the Good of the Kingdom. That the Strength thereof be not employed against it self; and that which ought to be for our Security, apply'd to our Destruction: And that the Parliament, and those who profess and desire still to preserve the Protestant Religion, both in this Realm, and in *Ireland*, may not be left naked, and indefensible, to the mischievous Designs, and cruel Attempts of those who are the profess'd and confederated Enemies thereof in your Majesty's Dominions, and other Neighbouring Nations. To which, if your Majesty's Courses and Counsels shall from henceforth concur, we doubt not but we shall quickly make it appear to the World, by the most eminent Effects of Love and Duty, That your Majesty's Personal Safety, your Royal Honour and Greatness, are much dearer to us than our own Lives and Fortunes: Which we do most heartily dedicate, and shall most willingly imploy for the Support and Maintenance thereof.

His



*His Majesty's Answer to the Petition of the Lords and Commons  
Assembled in Parliament.*

**T**Hough his Majesty had no great Reason to believe, that the Directions sent to the Earl of *Warwick* to go to the River of *Humber*, with as many Ships as he should think fit, for all possible Assistance to Sir *John Hotbham*, (whilst his Majesty expected the giving up of the Town unto him) and to carry away such Arms from thence as his Discretion thought fit to spare out of his Majesty's own Magazine. The chusing a General, by both Houses of Parliament, for the Defence of those who have obeyed their Orders and Commands, (be they never so Extravagant and Illegal); their Declaration, *That in that Case, they would Live and Die with the Earl of Essex, their General*, (all which they Voted the same Day with this Petition): And the committing the Lord-Mayor of *London* to Prison, for Executing his Majesty's Writs and lawful Commands, were but ill Prologues to a Petition which might compose the miserable Distractions of the Kingdom: Yet his Majesty's passionate Desire of the Peace of the Kingdom, together with the Preface of the Presenters, That they had brought a Petition full of Duty and Submission to his Majesty, and which desired nothing of him but his Consent to Peace, (which his Majesty conceived to be the Language of both Houses too) begot a greedy Hope and Expectation in him, that this Petition would have been such an Introduction to Peace, that it would at least have satisfy'd his Message of the Eleventh of this Month, by delivering up *Hull* unto his Majesty. But to his unspeakable Grief, his Majesty hath too much Cause to believe, that the End of some Persons by this Petition, is not in truth to give any Satisfaction to his Majesty; but by the specious Pretences of making Offers to him, to mislead and seduce his People, and lay some Imputation upon him of denying what is fit to be granted; otherwise it would not have thrown those unjust Reproaches and Scandals upon his Majesty, for making a necessary and just Defence for his own Safety; and so peremptorily justify'd such Actions against him, as by no Rule of Law or Justice can admit the least Colour of Defence; and after so many free and unlimited Acts of Grace passed by his Majesty, without any Condition, have proposed such Things which in Justice cannot be denied unto him, upon such Conditions as in Honour he cannot grant. However, that all the World may see how willing his Majesty would be to imbrace any Overture that might beget a right Understanding between him and his two Houses of Parliament, (with whom he is sure he shall have no Contention, when the private Practices and subtil Insinuations of some few malignant Persons shall be discover'd, which his Majesty will take Care shall be speedily done); he hath with great Care weigh'd the Particulars of this Petition, and returns this Answer:

**T**HAT the Petitioners were never unhappy in their Petitions or Supplications to his Majesty, while they desired any thing which was necessary or convenient for *The Preservation of God's true Religion, his Majesty's Safety and Honour, and the Peace of the Kingdom*: And therefore when those general envious Foundations are laid, his Majesty could wish some particular Instances had been apply'd. Let Envy and Malice object one particular Proposition for the Preservation of God's true Religion, which his Majesty hath refused to consent to. What himself hath often made for the Ease of Tender Consciences, and for the Advancement of *the Protestant Religion*, is notorious by many of his Messages and Declarations: What Regard hath been to *his Honour and Safety*, when he hath been driven from some of his Houses, and kept from other of his Towns by Force: And what Care there hath been of *the Peace of the Kingdom*, when Endeavour hath been used to put all his Subjects in Arms against him, is so evident, That his Majesty is confident he cannot suffer by those general Imputations: It is enough that the World knows what he hath granted, and what he hath deny'd.



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For his Majesty's raising Forces, and making Preparations for War, (whatsoever the Petitioners by the evil Arts of the Enemies to his Majesty's Person and Government, and by the Calumnies and Slanders raised against his Majesty by them, are induced to believe) all Men may know what is done that way, is but in order to his own Defence. Let the Petitioners remember that (which all the World knows) his Majesty was driven from his Palace of *White-hall* for Safety of his Life; that both Houses of Parliament upon their own Authority raised a Guard to themselves (having gotten the Command of all the Train'd-Bands of *London* to that purpose) without the least Colour or Shadow of Danger; that they usurped a Power by their pretended Ordinance (against all Principles and Elements of Law) over the whole *Militia* of the Kingdom, without, and against his Majesty's Consent; that they took Possession of his Town, Fort, and Magazine of *Hull*, and committed the same to Sir *John Hotham*, who shut the Gates against his Majesty, and by Force of Arms denied Entrance thither to his own Person; that they justified this Act, which they had not directed, and took Sir *John Hotham* into their Protection for whatsoever he had done or should do against his Majesty: And all this, whilst his Majesty had no other Attendance than his own menial Servants. Upon this the Duty and Affection of this County prompted his Subjects here to provide a small Guard for his own Person; which was no sooner done, but a Vote suddenly passed of his Majesty's Intention to levy War against his Parliament, (which, God knows, his Heart abhorreth) and notwithstanding all his Majesty's Professions, Declarations, and Protestations to the contrary, seconded by the clear Testimony of so great a Number of Peers upon the Place, Propositions and Orders for Levies of Men, Horse, and Arms, were sent throughout the Kingdom, Plate and Money brought in and received, Horse and Men raised towards an Army, muster'd and under Command, and all this contrary to the Law, and to his Majesty's Proclamation; and a Declaration published, That if he should use Force for the Recovery of *Hull*, or Suppressing the pretended Ordinance for the *Militia*, it should be held levying War against the Parliament, and all this done before his Majesty granted any Commission for the levying or raising a Man: His Majesty's Ships were taken from him, and committed to the Custody of the Earl of *Warwick*, who presumes under that Power to usurp to himself the Sovereignty of the Sea, to chase, fright, and imprison such of his Majesty's good Subjects as desire to obey his lawful Commands, altho' he had Notice of the legal Revocation of the Earl of *Northumberland's* Commission of Admiral, whereby all Power derived from that Commission ceased. Let all the World now judge who began this War, and upon whose Account the Miseries which may follow must be cast; what his Majesty could have done less than he hath done, and whether he were not compelled to make Provision both for the Defence of himself, and Recovery of what is so violently and injuriously taken from him? And whether these Injuries and Indignities are not just Grounds for his Majesty's Fears and Apprehensions of farther Mischief and Danger to him? Whence the Fears and Jealousies of the Petitioners have proceeded, hath never been discovered: The Dangers they have brought upon his Subjects are too evident; what those are they have prevented, no Man knows: And therefore his Majesty cannot but look upon that Charge as the boldest, and the most scandalous hath yet been laid upon him, *That this necessary Provision made for his own Safety and Defence, is to over-rule the Judgment and Advice of his great Council, and by Force to determine the Questions there depending concerning the Government and Liberty of the Kingdom.* If no other Force had been raised to determine those Questions than by his Majesty, this unhappy Misunderstanding had not been. And his Majesty no longer desires the Blessing and Protection of Almighty God upon himself and his Posterity, than he and they shall solemnly observe the due Execution of the Laws in the Defence of Parliaments, and the just Freedom thereof.

For the Forces about *Hull*, his Majesty will remove them when he hath attained the End for which they were brought thither. When *Hull* shall be reduced again to his Subjection, he will no longer have an Army before it? and when he shall be assured that the same necessity and pretence of publick Good, which took *Hull* from him, may not put a Garrison into *Newcastle*, to keep



keep the same against him, he will remove his from thence, and from *Tinmouth*; 'till when, the Example of *Hull* will not be out of his Memory.

For the Commissions of Array, which are legal, and are so proved by a Declaration now in the Press, his Majesty wonders why they should at this Time be thought grievous, and fit to be recalled, if the Fears of Invasion and Rebellion be so great, that by an illegal pretended Ordinance it is necessary to put his Subjects into a Posture of Defence, to Array, Train, and Muster them, he knows not why the same should not be done in a regular, known, lawful Way: But if in the Execution of that Commission, any thing shall be unlawfully imposed upon his good Subjects, his Majesty will take all just and necessary Care for their Redress.

For his Majesty's coming nearer to his Parliament; his Majesty hath expressed himself so fully in his several Messages, Answers, and Declarations, and so particularly avowed a real Fear of his Safety, upon such Instances as cannot be answered, that he hath reason to take himself somewhat neglected. That since upon so manifest Reasons it is not safe for his Majesty to come to them, both his Houses of Parliament will not come nearer to his Majesty, or to such a place where the Freedom and Dignity of Parliament might be preserved. However, his Majesty shall be very glad to hear of some such Example in their punishing the Tumults (which he knows not how to expect) when they have declared, that they knew not of any Tumults, tho' the House of Peers desired, both for the Dignity and Freedom of Parliament, that the House of Commons would join with them in a Declaration against Tumults, which they refused, (that is, neglected to do) and other seditious Actions, Speeches, and Writings, as may take that Apprehension of Danger from him, tho' when he remembers the particular Complaints himself hath made of Business of that Nature, and that instead of inquiring out the Authors, neglect of Examination hath been, when Offer hath been made to both Houses to produce the Authors (as in that treasonable Paper concerning the *Militia*) and when he sees every Day Pamphlets published against his Crown, and against Monarchy itself, as the Observations upon his late Messages, Declarations, and Expresses, and some Declarations of their own, which give too great Encouragement in that Argument to ill-affected Persons; his Majesty cannot with Confidence entertain those Hopes which would be most welcome to him.

For the leaving Delinquents to the due Course of Justice; his Majesty is most assured he hath been no shelter to any such. If the tediousness and delay in Prosecution, the vast Charge in Officers Fees, the keeping Men under a general Accusation without Tryal, a whole Year and more, and so allowing them no way for their Defence and Vindication, have frightened Men away from so chargeable and uncertain an Attendance; the Remedy is best provided where the Disease grew. If the Law be the measure of Delinquency, none such are within his Majesty's Protection. But if by Delinquents, such are understood who are made so by Vote, without any Trespass upon any known or established Law: If by Delinquents those Nine Lords are understood who are made Delinquents for obeying his Majesty's Summons to come to him, after their stay there was neither safe nor honourable, by reason of the Tumults and other Violences; and whose Impeachment, he is confident, is the greatest Breach of Privilege that, before this Parliament, was ever offer'd to the House of Peers. If by Delinquents, such are understood who refuse to submit to the pretended Ordinance of the *Militia*, to that of the Navy, or to any other which his Majesty hath not consented to, such who, for the Peace of the Kingdom, in an humble manner, prepare Petitions to him, or to both Houses, as his good Subjects of *London* and *Kent* did, whilst seditious ones, as that of *Essex*, and other places, are allowed and cherished. If by Delinquents such are understood, who are called so for publishing his Proclamations, (as the Lord-Mayor of *London*) or for reading his Messages and Declarations (as divers Ministers about *London*, and elsewhere) when those against him are dispersed with all Care and Industry, to poison and corrupt the Loyalty and Affection of his People. If by Delinquents such are understood, who have or shall lend his Majesty Money in the Universities, or in any other places: His Majesty declares to all the World, That he will protect such with his utmost Power and Strength, and directs, That in these Cases they submit not to any



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Messengers or Warrants; it being no less his Duty to protect those who are innocent, than to bring the Guilty to condign Punishment, of both which the Law is to be Judge. And if both Houses do think fit to make a General, and to raise an Army for Defence of those who obey their Orders and Commands; his Majesty must not sit still, and suffer such who submit to his just Power, and are solicitous for the Laws of the Land, to perish and be undone, because they are called Delinquents: And when they shall take upon them to dispense with the Attendance of those who are called by his Majesty's Writ, whilst they send them to Sea to rob his Majesty of his Ships, or into the several Counties, to put his Subjects in Arms against him, his Majesty, (who only hath it) will not lose the Power to dispense with them to attend his own Person, or to execute such Offices as are necessary for the Preservation of himself and the Kingdom, but must protect them, tho' they are called Delinquents.

For the manner of the proceeding against Delinquents; his Majesty will proceed against those who have no Privilege of Parliament, or in such Cases where no Privilege is to be allowed, as he shall be advised by his Learned Counsel, and according to the known and unquestionable Rules of the Law; it being unreasonable that he should be compelled to proceed against those who have violated the known and undoubted Law, only before them who have directed such Violation.

Having said thus much to the Particulars of the Petition, tho' his Majesty hath Reason to complain, That since the sending this Petition, they have beaten their Drums for Soldiers against him; armed their own General with a Power destructive to the Law and Liberty of the Subjects, and chosen a General of their Horse. His Majesty out of his Princely Love, Tenderness, and Compassion of his People, and Desire to preserve the Peace of the Kingdom, that the whole Force and Strength of it may be united for the Defence of itself, and the Relief of *Ireland* (in whose behalf he conjures both his Houses of Parliament, as they will answer the contrary to Almighty God, his Majesty, to those that trust them, and to that bleeding miserable Kingdom, That they suffer not any Monies granted and collected by Act of Parliament, to be diverted or employ'd against his Majesty, whilst his Soldiers in that Kingdom are ready to mutiny, or perish for want of Pay, and the barbarous Rebels prevail by that Incouragement) is graciously pleased once more to propose and require:

That his Town of *Hull* be immediately delivered up to him, which being done, (though his Majesty hath been provoked by the unheard-of Insolencies of Sir *John Hotham*, since his burning and drowning the Country, in seizing his Wine, and other Provisions for his House; and scornfully using his Servant, whom he sent to require them, saying, *It came to him by Providence, and he will keep it*; and so refusing to deliver it, with Threats, if he or any other of his Fellow-Servants should again repair to *Hull* about it; and in taking and detaining Prisoners, divers Gentlemen, and others, in their Passage over the *Humber* into *Lincolnshire*, about their necessary Occasions, and such other Indignities, as all Gentlemen must resent in his Majesty's Behalf) his Majesty, to shew his earnest Desire of Peace (for which he will dispense with his own Honour) and how far he is from Desire of Revenge, will grant a free and general Pardon to all Persons within that Town.

That his Majesty's Magazine taken from *Hull*, be forthwith put into such Hands as he shall appoint.

That his Navy be forthwith delivered into such Hands as he hath directed for the Government thereof; the detaining thereof after his Majesty's Directions published and received to the contrary, and employing his Ships against him in such manner as they are now used, being notorious High-Treason in the Commanders of those Ships.

That all Arms, Levies, and Provisions for a War, made by the Consent of both Houses (by whose Example his Majesty hath been forced to make some Preparations) be immediately laid down; and the pretended Ordinance for the *Militia*, and all Power of imposing Laws upon the Subject, without his Majesty's Consent, be disavowed, without which, the same Pretence will remain to produce the same Mischiefs; all which his Majesty may as lawfully demand,



demand, as to live, and can with no more Justice be denied him, than his Life may be taken from him.

These being done, and the Parliament adjourned to a safe and secure Place, his Majesty promises, in the Presence of God, and binds himself by all his Confidence and Assurance in the Affection of his People, that he will instantly and most chearfully lay down all the Force he shall have raised, and discharge all his future and intended Levies, that there may be a general Face of Peace over the whole Kingdom; and will repair to them: And desires that Differences may be freely debated in a Parliamentary Way, whereby the Law may recover its due Reverence, the Subject his just Liberty, and Parliaments themselves their full Vigour and Estimation; and so the whole Kingdom a blessed Peace, Quiet, and Prosperity.

If these Propositions shall be rejected, his Majesty doubts not of the Protection and Assistance of Almighty God, and the ready Concurrence of his good Subjects, who can have no hope left them of enjoying their own long, if their King may be oppressed and spoiled, and must be remediless. And though his Towns, his Ships, his Arms, and his Money be gotten and taken from him, he hath a good Cause left; and the Hearts of his People, which, with God's Blessing, he doubts not, will recover all the rest.

Lastly, if the Preservation of the Protestant Religion, the Defence of the Liberty and Laws of the Kingdom, the Dignity and Freedom of Parliament, and the Recovery and the Relief of bleeding and miserable *Ireland*, be equally precious to the Petitioners, as they are to his Majesty, (who will have no Quarrel but in Defence of these) there will be a chearful and speedy Consent to what his Majesty hath now proposed and desired.

And of this his Majesty expects a full and positive Answer by *Wednesday*, the Seven and Twentieth of this instant *July*: Till when he will not make any Attempt of Force upon *Hull*, hoping in the Affection, Duty, and Loyalty of the Petitioners; and in the mean time expects that no Supply of Men be put into *Hull*, or any of his Majesty Goods taken from thence.

#### CHARLES R.

**O**UR express Pleasure is, That this Petition of the Lords and Commons, with our Answer thereto, be read in all Churches and Chappels within the Kingdom of England and Dominion of Wales, by the Parsons, Vicars, or Curates of the same.

*A Replication of the Lords and Commons Assembled in Parliament, to his Majesty's last Answer sent by the Right Honourable the Earl of Holland.*

**T**HE Lords and Commons in Parliament, having taken into their Consideration his Majesty's Answer to their humble Petition for Peace, delivered by the Earl of *Holland*, Sir *Philip Stapleton*, and Sir *John Holland*, and the Demands which he is thereupon pleased to make concerning the speedy and present Delivery of the Town of *Hull*, the Magazine, the Navy, disavowing the Ordinance of the Militia, the laying down of all Arms raised by Authority of the two Houses of Parliament, and adjourning themselves to some other Place; do beseech his Majesty to accept this their most humble and just Excuse, that they cannot for the present, with the discharge of the Trust reposed in them, for the Safety of the King and Kingdom, yield to those Demands of his Majesty. The Reason why they took into their Custody the Town of *Hull*, the Magazine, and Navy, passed the Ordinance of the Militia, and made Preparation of Arms, was for the Security of Religion, the Safety of his Majesty's Person, of the Kingdom and Parliament, all which they did see in evident and eminent Danger: From which when they shall be secured, and that the Forces of the Kingdom shall not be used to the Destruction thereof, they shall then be ready to withdraw the Garrison out of *Hull*, to deliver the Magazine and Navy, and settle the Militia by Bill, in such a Way as shall be honourable and safe for his Majesty, most agreeable to the Duty



An. 1642.

Duty of Parliament, and effectual for the Good of the Kingdom, as they have profess'd in their late Petition: And for adjourning the Parliament, they apprehend no Reason for his Majesty to require it, nor Security for themselves to consent to it. And as for that Reason which his Majesty is pleased to express, they doubt not but the usual Place will be as safe for his Royal Person as any other, considering the full Assurance they have of the Loyalty and Fidelity of the City of *London* to his Majesty, and the Care which his Parliament will ever have to prevent any Danger which his Majesty may justly apprehend; besides the manifold Conveniences to be had there, beyond other Parts of the Kingdom. And as for the laying down of Arms, when the Causes which moved them to provide for the Defence of his Majesty, the Kingdom, and Parliament, shall be taken away, they shall very willingly and chearfully forbear any further Preparations, and lay down their Force already raised.

Die Jovis 28 Julii, 1642.

**O** Rdered by the Lords in Parliament, That the Petition of the Lords and Commons in Parliament, delivered to his Majesty the 16th. Day of July, together with his Majesty's Answer thereunto, and a Replication of the said Lords and Commons to the said Answer, dated the 26th of July 1642, shall be read in all Churches and Chappels, within the Kingdom of England and Dominion of Wales, by the Parsons, Vicars, or Curates of the same.

John Brown, Cler. Parliamentorum.

Hull beleaguered.

Pursuant to these Resolutions before-mentioned, his Majesty, with an Army reported to be about 3000 Foot and 1000 Horse, was in the beginning of July removed from *York* to *Beverley*, a Town distant from *Hull* six Miles, intending to beleaguer *Hull* by Land; expecting also that Sir *John Pennington*, with some of his Ships, should stop all Intercourse by Sea: But the Earl of *Warwick* had seized the Navy, and sent two Ships to help the Town. His Majesty set forth a Proclamation, That none should convey any Relief or Provision thither; and his Forces endeavoured, by cutting of Trenches, to divert the Current of fresh Water that ran to the Town; and 200 Horse were sent into *Lincolnshire* to stop all Succour from *Burton* upon *Humber*. Sir *John* having the Advantage of a Spring-tide, presently drew up the Sluice, and laid all the Country about the Town under Water, giving Notice to the Country-men first to remove their Cattle and Goods.

Drums were beat up at *London*, and Parts adjacent, for Soldiers to be sent to *Hull* by Sea; and Sir *John Meldrum*, Scotch-Man, was appointed to assist Sir *John Hotham*. The Towns-men generally entred into Pay and Duty, and Five Hundred under the Conduct of Sir *John Meldrum*, issued out (about the end of July) upon the King's Forces; whose Horse drew up courageously to receive them, but a great Part of their Foot, that consisted of the Train'd-Bands, were not so forward; so that his Majesty's Horse, and stoutest Men, seeing themselves deserted, retired as fast as they could towards *Beverley*. Sir *John Meldrum*, in the Pursuit, killed two of them, [The first Blood, as some say, that was shed in these unnatural Wars; though others reckon the Man killed at *Manchester* by the Lord *Strange's* Company, to be the first in that kind] and took about Thirty Prisoners.

And soon after, fresh Supplies being arrived from *London*, he made another Sally, kill'd some, and took Fifteen Prisoners; and also destroy'd the King's Magazine at *Aulby*, routing the Guards, and taking most of their Arms. Yet were not his Majesty's Forces idle, but burnt three Mills belonging to the Town; raised a Fort at *Paul*, a little Town in *Holderness*, upon the Edge of *Humber*, which play'd on the Ships as they failed to and fro: But there they broke one of their Guns, and another at *Hazzel*. Another Fort was raised upon *Lincolnshire-Shore*, whither sending three Pieces of Ordnance in a Yacht, they were intercepted by the *May-Flower* Frigot, and carry'd into *Hull*. Whereupon, and especially upon the Disappointment of Sir *John Pennington's* strait'ning the Town by



by Sea, his Majesty calling a Council of War, and considering the preciousness of the Time which he consumed there, resolved, by their Advice, to raise the Blockade before *Hull*, and so marched away with his Forces.

18 *Caroli.*

*A Declaration of the Lords and Commons Assembled in Parliament, for the Preservation and Safety of the Kingdom and Town of Hull, and to satisfy such as have their Lands drowned, &c.*

AS in all Endeavours since this Parliament began, we intended only the Advancement of his Majesty's Honour and Safety, and the Regainment of the Ancient (though of late Years much invaded) Rights, Laws, and Liberties, being the Birthright of the Subjects of this Land, and settling of the true Protestant Religion (the Glory of our Nation) in Peace and Purity; so did we no less hope for, and expect his Majesty's Concurrence in those Particulars, they being the very Foundation of his Majesty's present Honour and Greatness, and the Fountain of perfect and future Bliss to himself, and all his Loyal Subjects, which too evidently we see our selves (by the wicked Counsellors, now unmasked, about his Majesty) not only deprived of, but instead thereof open War declared, and prosecuted against his Majesty's Loyal Subjects of *Hull*, and elsewhere in this Kingdom, far unsuitable to such Declarations of Love and Peace, as his Majesty hath frequently promised and published to the Kingdom, and in particular to the County of *York*, with solemn Protestations that he would not, nor had it enter'd his Thought to make War against his Parliament; which how agreeable they are to the present Courses of his Majesty and Counsellors, specially since from his Agents abroad he received Provisions fit for War, which immediately have been put on for Execution, we refer to the whole World to judge of.

Parliament's  
Declaration  
for the Preser-  
vation of *Hull*.  
&c. July 12  
1642.

But however, those Promises and Protestations have been no sooner made, but broken, and our hope of Peace and Safety thereby wholly disappointed; yet that it may appear in all Ages to come, that as in Duty we are bound, (the Kingdom having intrusted us) so we have not, nor will be found wanting in the least degree of our Care and Providence (God assisting us) for the Preservation of the whole Kingdom, and Town of *Hull*, and the Inhabitants thereof, from Violence and Ruin; though for the effecting thereof, his Majesty hath proceeded to many hostile Preparations and Acts, by having got divers Pieces of great Ordnance, and other warlike Provisions, both of Horse and Foot, for the taking in of the said Town, and his other Designs, and by cutting off their fresh Water, intercepting and restraining of Victuals and other Necessaries for their Subsistence and Livelihood; as if to obey the Parliament's Commands, (that being Sir *John Hotbom's* Crime) though never so much for the Safety of the whole Kingdom, were so capital an Offence, as nothing but Death, Ruin, and Destruction could expiate.

Wherefore we the Lords and Commons in Parliament Assembled, have thought fit, and do hereby declare, That whereas Sir *John Hotbom*, Governor of *Hull*, by the special Order of the Parliament appointed for that Service, hath been forced, for the Prevention of the sudden Surprisal, and Destruction of the Town and the Inhabitants thereof, to let in some Tides from *Humber* upon the Grounds adjoyning to the said Town, which for the present could not otherwise have been secured: We do therefore hereby promise and assure all and every such Person and Persons whatsoever, either the Owners, or Farmers of any the said Grounds, which shall be impaired by this over-flowing of the Water, full and ample Satisfaction for all such Loss as they, or any of them, shall thereby sustain, except such Persons only, as formerly have been, now are, or hereafter shall be found the Stirrers-up, Abettors, or Furtherers of any such Way or Means, as have, or may conduce to the Endangering or Annoyance of the said Town of *Hull*, or the Governor thereof, in his Service and Duty therein, or shall any way disturb the Peace



An. 1642.

Peace and Safety of the said Town, or any the Inhabitants thereof, who stand well-affected thereto.

And we do also declare, That we, the Lords and Commons in Parliament Assembled, will not only protect, secure, and save harmless all and every such Person and Persons whatsoever, as have or shall, either by Sea or Land, provide, furnish, or deliver any Provision of Victual, Beer, or other Thing whatsoever, for the Relief and Safety of the Garrison of *Hull*, but shall also make good Payment for the same, and thankfully accept thereof, as good Service done to the Kingdom; any pretended Warrant issued, or hereafter to be issued out, under the Colour of any Name or Authority whatsoever to the contrary notwithstanding.

And forasmuch as we are informed that some of the Inhabitants of *Hull* stand firmly resolved in their good Affections to the Service, and safe keeping of the said Town, for the Good of the King and Kingdom, we thought fit also to declare, That all such of the Inhabitants thereof, as shall continue well-affected to the said Service, and stand close in their Fidelity and Assistance to the Governour thereof, we do hereby assure and promise them, That they shall receive from us Protection and Encouragement answerable to such a Service as will be very acceptable unto us, in respect of the Importance of it, for the Preservation of Religion, and Safety of this Kingdom.

And lastly, We do declare our Acknowledgment, Acceptance, and Approbation of that prudent Valour, Vigilancy, and Faithfulness of the Governour, Officers, and Soldiers employ'd in the said Town, both for the Discovery of Plots formerly contrived for the Betraying of the said Town, and their undaunted Resolutions to keep the same against whomsoever, for the Service of his Majesty and Kingdom. And do promise and assure them, That every particular good Service done, or to be done, by any Commander or Soldier, serving, or to serve therein, shall be rewarded, as shall answer the Greatness of this Kingdom, and the Quality of the Service.

CHAP.



## CHAP. VI.

Being Passages happening at *York*, and Petitions from several Counties, during his Majesty's Residence in and about that City, 1642. to return to the Parliament.

To the King's most Excellent Majesty,

*The humble Petition of the Gentry, Ministers, and Free-holders of the County of York, now assembled at the Assizes there holden.*

*Most humbly Sheweth,*

**T**HAT although the piercing Anguish of our Souls, proceeding from the general Distractions of this Kingdom, be eased by the Comfort of your Majesty's Royal Presence, and gracious Confidence in the Affections of this County, which hath filled our Hearts with Hopes, and our Tongues with Joy; yet the fellow-feeling of the passionate Sorrows, and heart-breaking Apprehensions, which over-whelms the other Parts of this afflicted Kingdom, doth enforce us (after the humble Tender of our Lives and Fortunes, for the Safety and Assurance of your Majesty's Royal Person, Crown, Honour, and Estate, just Prerogative and Sovereignty in any Capacity, wherein we may serve your Majesty according to the Laws) to follow that Sacrifice of bounden Duty, with our earnest Prayers and Petitions, which shall not cry in your Princely Ears for Help to almost-ruin'd *Ireland*, nor implore your Majesty's Concurrence for the Propagation of the Protestant Religion, and Suppressing of Popery, since your Majesty's Gracious Declaration of your self in these Particulars, renders it an unpardonable Crime, to desire farther Assurance, or Addition to your Majesty's own Words, sacred before God and Man; but emboldened by your Royal Resolution declared, to take away, not only the just Fears, but also the Jealousies of your Loyal Subjects, and enforced by that infallible Oracle of Truth, *That a Kingdom divided cannot stand*; We, from the Centre of every one of our Hearts, most earnestly supplicate, That your Majesty (being most interested in the flourishing State and Union of your Dominions, and by long Experience in Government, best acquainted with Prevention of Dangers, and Remedy of Evils) will be graciously pleased to declare such fit Means and Expedients as may take away all Distances and Misunderstandings betwixt your Majesty and your Great Council; to whom we will also address ourselves for such Endeavours on their Parts, as may beget in your Majesty a Confidence in their Counsels, and that blessed Union, so necessary to this perplexed Kingdom, and most desired by us, and all your Majesty's loving and faithful Subjects.

*And your Petitioners shall ever Pray for your Majesty's long and prosperous Reign, &c.*

P p p p

*His*

The Yorkshire  
Petition to  
the King,  
April 5, 1642.



An. 1642.

*His Majesty's Speech to the Sheriff, Gentry, Ministry, and Freeholders of the County of York, when they presented to him their Petition.*

April 5, 1642.  
The King's  
Speech at the  
Presenting  
thereof.

*Mr. Sheriff, and Gentlemen,*

" I Believe you expect not a present and particular Answer to your Petition, because it is new to me; only in general, I must tell you, That I see by it, that I am not deceived in the Confidence I have in the Affections of this County to my Person and Estate; and I assure you, that I will not deceive your Confidence, which at this Time you have declared in your Petition to have in me; and I am glad to see that it is not upon mistaken Grounds, as other Petitions have been to me, since I came to this Place; concerning which, let me observe unto you, That my Answers were to clear those Mistakings; for I never did go about to punish, or discourage them from petitioning to me in an humble way, though the Subject did not agree with my Sense: Albeit, within the Memory of Man, People have been discouraged, and threatned to be punished for Petitions.

" I observe that your Petition is so modest, that it doth not mention any Particular for your own Good, which indeed I expected, as knowing that in some Particulars you have Reason so to do: And therefore, that you may not fare the worse for your Modesty, I will put you in Mind of three Particulars, which I conceive to be for the Good of this County.

" The first is, concerning your Train'd-Bands, to reduce them to a lesser Number, for which I confess to stand engaged by Promise to you, which I had performed long since, if I had been put in mind of it: And now I tell you, shew me but the way, and (when you shall think fit) I shall instantly reduce them to that Number, which I promised you two Years ago.

" The second is, That which is owing to this County for Billet-money; the Truth is, That for the present I cannot repay it, only I will say this, That if all the Water had gone to the right Mill, (upon my Word) you had been long ago satisfy'd in this Particular. And so I leave you to your Discretions, which way you will advise, and assist me to comply with the Engagements to you in this Point.

" The third is, That for which I was petitioned as I came up the last Year, both by the Lord-Mayor and Aldermen of this City, and likewise by divers others of this County, as I went Southward, and that is concerning the Court of York. And first, let me tell you, That as yet I know no legal Dissolution of it; for hitherto formerly there is nothing come to me, either directly or indirectly, for the taking of it away: Therefore I may say, it is rather shaken in Pieces than dissolved. Now my Desire is, in compliance to what I answered the last Year unto the several Petitions delivered unto me upon this Subject, That you would consult and agree among yourselves, in what manner you would have the Court established most to your own Contentments, and to the good of all these Northern Parts, in such a legal way, as that it may not be justly excepted against: And I assure you, in the Word of an honest Man, that you shall not blame me, if you have not full Satisfaction in it.

" Within a Day or two you shall have a particular Answer to your Petition, which shall be such an one, as I am confident will give you good Satisfaction, and put you into such a Way, as, I hope, may produce good Effects to the Good of all this Kingdom.

*His*



*His Majesty's Answer to the aforesaid Petition of the Gentry,  
Ministers, and Free-holders of the County of York.*

18 Caroli.

**H**IS Majesty, according to his Promise made to you at the Delivery of this Petition, hath commanded me to subscribe this Answer :

April 7, 1642.  
His Majesty's  
Answer to  
that Petition.

“ **I**N the first Place ; he is glad to see, That what you say concerning the Relief of his distressed Subjects in *Ireland*, and the Propagation of the true Religion amongst us against all Superstition of Popery, is only to shew your Confidence in his Princely Word ; wherein he again hath commanded me to assure you, That he will neither deceive your Trust, nor wrong himself so much, as not to be very punctual in performance of the Engagements he hath already made concerning those Particulars ; which, besides the performance of his Word (which he holds most dear unto him) his own Inclination naturally induces him unto.

“ Now concerning the Prayer of your Petition, his Majesty doth graciously interpret, That your desiring him to declare such fit Means and Expedients as may take away all Distance and Misunderstanding betwixt his Majesty and his Great Council, is no otherwise than to have the more Authentick Gound, and the better Direction which way to carry yourselves in your Addresses to the Parliament for that Effect. And therefore his Majesty assures you, That not only the best, but (as he conceives) the sole Way for this good Understanding between his Majesty and his Parliament, (which he assures you, that he no less desires than yourselves) is, That the Parliament will take his Majesty's Message of the 20th of *January* last into Consideration speedily, seriously and effectually ; and that the *Militia* of this Kingdom may be settled by Act of Parliament, according to his Majesty's Explanation of his Answer concerning the *Militia*, which he made in his Answer returned to both Houses, upon the Petition presented to him the 26th of *March* last. And therefore his Majesty desires you to take those Answers and that Message into your serious Consideration, and thereupon to proceed (according to the Intimation in your Petition) in your Addresses to the Parliament, as you shall judge fittest for the Good of this Kingdom, and the Expressions of your Duty and Affection to his Majesty's Person and Estate.

At the Court at *York*, April 7, signed by Mr. Secretary *NICHOLAS*.

The King having summoned the Gentry of *Yorkshire* to appear *May* the 12th, and a Committee of Parliament, consisting of four Members of the House of Commons, viz. *Ferdinando* Lord *Fairfax*, Sir *Hugh Cholmley*, Sir *Philip Stapleton*, and Sir *Henry Cholmley*, being come thither with an Answer of the two Houses touching the Business of *Hull* : His Majesty order'd them to return back with his Reply, but they excused their Stay, because commanded so to do by the Parliament that employ'd them ; whereupon his Majesty took some Notice of their Continuance there in his Speech to the Gentry of the said 12th of *May*, where he spake as followeth :

Names of the  
Parliament's  
Committee  
at *York*.

*His Majesty's Speech to the Gentry of Yorkshire, May 12, 1642.*

Gentlemen,

“ **I** Have cause of adding, not altering what I meant to say. When I gave out the Summons for this Day's Appearance, I little thought of these Messengers, or of such a Message as they brought ; the which, because it confirms me in what I intend to speak, and that I desire you should be truly informed of all Passages between me and the Parliament, you shall hear read first my Answer to the Declaration of both Houses concerning *Hull*, the Answer of the Parliament to my two Messages concerning *Hull*, together with my Reply to the same, and my Message to both Houses, declaring the Reasons why I refused to pass the Bill concerning the *Militia*.



An. 1642.

" I will make no *Paraphrases* upon what you have heard, it more befitting a  
 " *Lawyer* than a *King*, only this Observation, since Treason is countenanced  
 " so near me, it is time to look to my Safety. I vow it was part of my Won-  
 " der, that Men (whom I thought heretofore discreet and moderate) should  
 " have undertaken this Employment, and that since they came, (I having  
 " delivered them the Answer you have heard, and commanded them to return  
 " personally with it to the Parliament) should have flatly *disobeyed* me, upon  
 " pretence of the Parliament's Commands. My End in telling you this, is, To  
 " warn you of them; for since these Men have brought me *such a Message*, and  
 " disobeyed so lawful a Command, I will not say what their Intent of stay-  
 " ing here is, only I bid you take heed, not knowing *what Doctrine* of Disobe-  
 " dience they may preach to you, under Colour of obeying the Parliament.  
 " Hitherto I have found and kept you quiet, the enjoying of which was a  
 " chief Cause of my coming hither, (Tumults and Disorders having made me  
 " leave the *South*) and not to make this a *Seat of War*, as Malice would (but I  
 " hope in vain) make you believe: Now if Disturbances come, I know  
 " whom I have Reason to suspect.

" To be short, You see that my Magazine is going to be taken from me,  
 " (being my own *proper Goods*) directly against my Will; the Militia against  
 " Law, and my Consent, is going to be put in Execution. And lastly, Sir  
 " *John Hotham's* Treason is countenanced. All this considered, none can blame  
 " me to apprehend Danger. Therefore I have thought fit (upon these real  
 " Grounds) to tell you, That I am resolved to have a *Guard* (the Parliament  
 " having had one all this while upon imaginary Jealousies) only to secure my  
 " Person; in which I desire your Concurrence and Assistance, and that I may  
 " be able to protect you, the Laws, and the true Protestant Profession, from  
 " any Affront or Injury that may be offered; which I mean to maintain my  
 " Self without Charge to the Country, intending no longer to keep them on  
 " foot, than I shall be secured from my just Apprehensions, by having Satis-  
 " faction in the Particulars before-mentioned.

Touching these Propositions, the Gentry and Freeholders of the County,  
 being divided, returned several Answers. Some wholly complying therewith  
 in these Terms:

*To the King's most Excellent Majesty.*

York, 1649.  
 May 13.

WE *Knights and Gentlemen*, whose Names are subscribed, do unanimously  
 present this our Answer to your Majesty's Propositions, concerning  
 the *Raising a Guard of Horse*, for the Security and Defence of your Sacred  
 Person.

To which Proposition, as we conceive ourselves bound by Allegiance, we  
 willingly concur, for that purpose humbly desiring, That the aforesaid Guard  
 may be raised by Legal Authority: And likewise that it may consist of Per-  
 sons unquestionable in their Religion, and Gentlemen.

*The Substance of his Majesty's Answer to these Gentlemen.*

HIS Majesty gave them *Thanks*, for it appeared a satisfactory Answer;  
 and in it they had shewed great Circumspection and Wisdom, by chu-  
 sing such whose Loyalties could not be questioned, by *excluding Recusants*, and  
 all suspected to be disaffected.

Another Answer was returned in these Words:

*The humble Answer of the Gentry of the County of York.*

That they  
 will serve his  
 Majesty as far  
 as they shall  
 be legally  
 enabled.

According to your Majesty's Command, to your Majesty's Proposition,  
 we profess our Willingness, as in Duty we are bound, to defend your  
 Majesty's Sacred Person, against all Foreign and Domestick Attempts to the  
 uttermost



uttermoſt of our Power, and as our Allegiance binds us; and for the keeping of your Maſteſty's Honour, touching the Buſineſs of *Hull*, your Maſteſty being pleaſed to commend it to your Parliament, the High Council of your Kingdom, we do humbly crave Pardon that we do not interpoſe. But forasmuch as your Maſteſty may look for a particular Satisfaction at our Hands, we humbly and heartily profeſs, That we ſhall be ready to ſerve your Maſteſty in the ſame, and all other Occaſions, with our Lives and Fortunes, as far as your Maſteſty ſhall be pleaſed legally to enable and command us.

18 Caroli

A third Sort gave this Answer :

*The humble Answer of thoſe who Petitioned your Maſteſty the 5th of April, and of divers other Knights and Gentlemen.*

*May it pleaſe your moſt Excellent Maſteſty,*

WE ſhall be ready to defend your Maſteſty's Perſon from Violence, by all ſuch Ways as the Law and our Duties bind us: And for the means to vindicate your Maſteſty's Honour, and to put you into the Poſſeſſion of your own, we conceive that the beſt Advice that we can offer unto your Maſteſty, is, Humbly to deſire you to hearken to the Counſels of your Parliament, who (we aſſure ourſelves) will be careful of your Maſteſty's Perſon and Honour, and to whom your Maſteſty hath been already pleaſed to direct a Meſſage to that purpoſe.

A third Answer, deſiring his Maſteſty to hearken to the Advice of his Parliament.

A fourth Answer was made in the Tenour following :

*The Answer to his Maſteſty's Propoſitions of the Gentlemen and Free-holders, which ſubſcribed the ſame at the Dean's Houſe, where the Sheriff was.*

*May it pleaſe your moſt Sacred Maſteſty,*

THE Propoſitions delivered to us Yeſterday from your Maſteſty, are of ſo high Concernment to the Weal and Peace of the whole Kingdom, and do ſo nearly touch upon the Affection and Fidelity of all your Subjects in general, as we, being but Part of one County only, do not conceive it ſafe for us to Advise therein, but rather humbly to beſeech your Maſteſty to impart the Grounds of your Maſteſty's Fears and Jealouſies to your High Court of Parliament, of whoſe moſt loyal Care and Affection to your Maſteſty's Honour and Safety, and the Proſperity of your Subjects and Dominions, we are moſt confident: And whatſoever ſhall be adviſed by your Great Council therein, we ſhall moſt willingly embrace and give our Concurrence and Aſſiſtance to, as ſhall become us; in whoſe Fidelity and Affection your Maſteſty hath often declared eſpecial Truſt. And albeit we do not preſume to adviſe your Maſteſty in that particular, being of tranſcendant Conſequence; nevertheless in behalf of thoſe Members of Parliament lately employ'd to attend your Maſteſty from both Houſes, being all of them Gentlemen of Quality and Eſtate in this County, and truſted to ſerve in that moſt Honourable Aſſembly, we humbly crave your Maſteſty's Leave to expreſs our Confidence in their unſtain'd Loyalty and Affection to your Maſteſty to be ſuch, as your Maſteſty may ſecurely admit their Attendance to negotiate their Employments, untill they be recalled by the Parliament. And for their Fidelity, we do all engage ourſelves to your Maſteſty, and we are moſt aſſured, that your Royal Perſon ſhall be ſecure in the general Fidelity of your Subjects of this County, without any extraordinary Guard.

Fears and Jealouſies.

That the King will admit the Committee of Parliament ſtill to attend him at York.

His



An. 1642.

*His Majesty's Reply to this, returned by the Sheriff.*The King's  
Reply to the  
last Answer.

**H**IS Majesty expects the like Affection from them, that he doth from the other Gentlemen; and that he hath the same Confidence in you that he hath in the other.

To the King's most Excellent Majesty,

*The humble Petition of many Thousands of your Majesty's peaceably-affected Subjects of the County of York.*

*Humbly Sheweth,*

May 13, 1642.  
A Petition of  
the peaceably-  
affected Sub-  
jects of the  
County of  
York.

**T**HAT many of your Petitioners, being in their late Desires of Petitioning your Majesty, deny'd Access, kept back with Violence, and receiving great Affronts from some that have dependency on your Majesty, and others there assembled; yet no Provocation could remove them from their Patience and Duty: Which Proceedings are the more taken to Heart, your Petitioners conceiving it undeniable, that they have an Interest in the Commonwealth, and are as Dutiful and Loyal Subjects to your Majesty as whomsoever, though divers of them have been since uncivilly prest by some, in your Majesty's Name, to subscribe a Paper, stiled, *The humble Answer to your Majesty's Propositions*, and threat'ned thereto; upon which Blows followed: And that when your Majesty's Army should be on foot, those should be first pillaged that refused such Subscription; which we humbly conceive is positively contrary to your Majesty's own Expressions; and to the high Dishonour of your Majesty, and the great Affrightment and Disturbance of your Majesty's Liege People. Therefore your Petitioners having too just Cause to fear your Majesty's Royal Heart is still endanger'd to be possessed with some distaste of your Petitioners; your Petitioners humbly supplicate your Majesty to conceive better Things of them, and to cast your Eye upon the present State of this your Kingdom, that as your Majesty hath often declared your Affection to this County, so now your Love might be expressed in preserving the Peace thereof; and that your Majesty would admit of a right Information of the clear Intentions of your Petitioners, who are confident that no so absolute and hearty observance to your Majesty's just Commands, can be demonstrated as what your Majesty in Parliament shall declare, which if it become divided, (as God forbid) our Hearts even tremble to consider what Dangers and Diminution of Honour and Safety your Majesty's Posterity and Kingdoms will unavoidably be put upon; since it is clear to every Understanding, that it is not a divided part of one, or several Counties that can afford that Honour and Safety to your Majesty as the whole Kingdom, which you may command; no ground or fear of Danger remaining, if a good Confidence were begot betwixt your Majesty and Parliament, whose grave and legal Counsels are, as we humbly conceive, the visible way, under God, to put a speedy End to the Troubles of *Ireland*, and establish your Throne in Righteousness. And lastly, Your Petitioners do most humbly supplicate, That we may represent our unfitness to become Judges betwixt your Majesty and Parliament in any thing, or dispute the Authority of either, which they humbly conceive do fortify each other, it being most unfit for them to act any thing therein, but by their Prayers for a right Understanding between your Majesty and them, which we shall heartily do, as also for your Majesty's long and prosperous Reign; and as we are bound by our late Protestation, shall be ready to maintain your Majesty's just Rights, the Privileges and Power of Parliament, and the lawful Liberty of the Subjects.

*The*



*The King's Answer by Secretary Nicholas, to the Petition of the Freeholders at the Court of York, May 13, 1642.*

**H**IS Majesty having, with some Care, consider'd this Petition, being the first of this Nature that hath been presented to him; wherein any appearing well-affected to his Service (tho' he hath heard of many in the contrary) have misdemean'd themselves, hath commanded me to give you this Answer:

That he doth totally dislike Proceedings complained of in the Petition, and expects that you, and all others his loyal Subjects, shall rest satisfied with his several gracious Declarations, and constant, peaceable Practice towards his People to the contrary; and, for farther Assurance, upon just Proof made against any Man, who hath committed any Violence in Words or Actions, (without just Provocation) full Reparation shall be given to the Parties injured. As for the rest of this Petition, his Majesty saith, That it is so confused, that he doth not well know what positive Answer to give it, and the rather, because it is grounded upon Misinformation, both of his Majesty Proceedings and Intentions; as in particular his Majesty saith, He never intended to have you to be Judges betwixt him and his Parliament. And for the other part of this Petition, he refers to his Messages, Declarations, and Answers, whereby it will clearly appear, that his Desire and Intention is, only the preserving the true Protestant Profession, the Laws of the Land, the Liberty of his People, the Peace of the Kingdom, and the Peace of this County in particular.

The King's Answer.

*The Protestation of the Freeholders, May 13, 1642.*

**W**HEREAS his Majesty hath been pleased to give Summons to the Gentry of this County to attend him at his Court at York, the 12th of May instant, to advise with him in some Particulars, concerning the Honour and Safety of his Majesty's Person, and the Well-being and Peace of this our County; and in the said Summons, was pleased to omit the Freeholders of this County, out of a tender Respect of putting them to any extraordinary Charge; yet we, conscious of our sincere Loyalty to his Majesty, our Gracious Sovereign, and considering ourselves, according to the Proportions of our Estates, equally interested in the Common Good of the County, did take Boldness to come in Person to York, and were ready to attend his Majesty's Pleasure there. And whereas his Majesty was pleased then to propound several Things to the Purpose aforesaid, at the meeting of the County, to consider a fit Answer to return to his Majesty thereupon; the Doors of the Meeting-house were shut up against us, we utterly excluded; and in our Absence a Referee of Knights and Gentlemen chosen without our Knowledge, or Consent, to draw up the said Answer. We the Freeholders who petition'd his Majesty the Day aforesaid, conceiving ourselves abundantly injur'd in the Election (not knowing any Warrant by Writ, or otherwise for the same) of the said Referee, and that we ought not however to be concluded by any Resolution of theirs, without our Assent in their Election, do absolutely protest and declare against the said Election, and as far as concerns us, disavow whatsoever shall be the Result of their Consultation thereupon; and do desire a new and fair Election of a Referee may be made, we admitted to our free Votes in the same, and some one or more to be nominated by us, allow'd to deliver our Sense for us at another Meeting; and that we shall not make good in the least respect any thing whatsoever, which shall otherwise be concluded upon.

The Freeholders of York-shire their Protestation, May 13.



An. 1642.

*A Letter from the Right Honourable Ferdinando Lord Fairfax, Sir Hugh Cholmly, Sir Philip Stapleton, Sir Henry Cholmly, Committees of the Commons House of Parliament, residing at York.*

S I R,

May 13, 1642.  
A Letter from  
the Committee  
at York,  
complaining  
of being af-  
fronted.

I N our last, we gave you an Account of our first and second waiting on the King; we wrote to you then, That his Majesty commanded us to attend him yesterday, being *Thursday*, to hear what he said to the Gentlemen, which a little before the Meeting, he seconded by a particular Message: Being come thither, his Majesty caused the several Messages between him and the Parliament, mentioned in this inclosed printed Paper, to be read.

This was done with much Humming and Applause of the King's Messages, by some Persons who had placed themselves near about where the King stood; but when any thing from the Parliament came to be read, with so much *hissing* and reviling the Parliament, that tho' in Respect and Duty to the King's Person, we could not resent it, as otherwise we should have done, yet have since expostulated, and complained of it to his Majesty. Some were so bold as to say openly, That the Parliament-men should set their House in Order, for many of them should shortly have their *Heads off*; one of which (as since we are credibly informed) was one *Hurst*, a Servant to one Mr. *William Crofts*. In this which was said by the King, you will see what Reason we had to vindicate ourselves, and therefore we immediately repaired to the Dean's House with all the other Gentlemen, and there we took Notice of the rough Usage we had received; we told them it was neither Discretion nor Disobedience in us (as his Majesty was pleased to call it) to deliver the Parliament's Message, or to stay here, though commanded to the contrary, since we conceived no Man needed to be satisfy'd in so clear a Case as this; that every Member of each House ought to obey their Commands, when they were pleased to employ them: But since his Majesty thought fit to bid them take heed of us, not knowing what Doctrine of Disobedience we might preach to them, under colour of obeying the Parliament, we appealed to every Man, whether we had in Word or Deed, in publick or in private, done any thing that became not honest Men, and Persons employ'd from the Parliament, That we had communicated our Instructions to his Majesty, being that we would avow all our Actions, and that we were confident it would not be said, we had transgressed them: This was very well taken, and justify'd by the Country. Yesterday there came divers Thousands of Free-holders to this City, though none but the Gentry were summoned; but receiving a Command from the King not to come to Court, they forbore, and stay'd in the Castle-yard, yet sent this Petition inclosed to his Majesty, and received the Answer annexed thereunto. There was likewise a Committee of twelve Gentlemen appointed yester-night, to consider of drawing up an Answer to the King's Proposition concerning a Guard: But nothing could then be done, because it was past three a-Clock before the Gentlemen were admitted to the King. This Morning the Free-holders assembled again in the Castle-yard, and there they made this Protestation inclosed, of their Right of Voting in what concerneth the Peace of the Country, as having their Interest therein.

When we all met this Morning again at the Dean's House, we who are your Committee received this Message by Sir *Edward Stanhope*, that he came from his Majesty to command us, that we should depart from this Meeting; and if we did stay, his Majesty would judge us guilty of that he spake on yesterday, which was tampering; notwithstanding which Command, we read the fourth Article of our Instructions to the whole Company, that being pertinent to the Business we were then upon, and desired them to consider, whether the Parliament had not expressed therein such a Care of the King's Safety, that there would be little need of Guards: We told them we had a good Right of being there as Free-holders of the County, but that in Obedience to the King we would depart for this Time; but whensoever there should be Occasion of our being there,



there, in pursuance of our Instructions and Commands from the Parliament, we should be ready. The whole Company received great Satisfaction, and desired a Copy of that Instruction which we gave them. We were the more willing at that Time to go from thence, because we should not only give Obedience to the King's Command, which otherwise he would have said we constantly disobeyed; but because the Committee of Twelve appointed Yesterday were then to withdraw, so that there was nothing for the present for us to do; we immediately went to the King, and besought him, that since we were continually so discountenanced by him in the Face of our County, that he would be pleased to let us know in particular, wherein we had given the Occasion; for we otherwise conceived we were deprived of that Liberty which was our due, in respect of that Interest we had here. His Majesty was pleased to tell us, That if we would lay aside that Condition of Committees from the Parliament, he would not hinder us to be there as Gentlemen of the County: We humbly reply'd, That we could not lay that down, nor could we be absent from any Meeting where our Presence was required for the Service, as Committees from the Parliament. To which his Majesty said, That indeed he thought we could not lay it down, neither that it was reasonable we should have Votes, and be in a double Capacity. The Committee hath been together most part of this Day, but not agreeing; six of them have drawn up this Answer inclosed, which they have communicated to the Gentlemen and Freeholders. The greater Part of the Gentlemen, and all the Freeholders have agreed to, and subscribed it: The other six have concluded upon this other Answer, consenting to a Guard of Horse; but this we do not hear that they have gotten many Names to, nor can we get a Copy of those Names as yet, tho' these be very few; yet whether they can bring in any Horse or no, we cannot yet judge. The King hath received both these Resolutions, which with his Answers to them, you shall likewise have here inclosed. His Majesty had declared himself Yesterday, that he would raise that Regiment which was Sir Robert Strickland's for his Foot-Guard, but he hath now laid aside that Resolution. The Freeholders of the County are newly summoned to attend his Majesty about a Week hence, the three Ridings upon three several Days, but for what Service we do not know.

18 Caroli.

Sir, you have here at large a Narrative of the Passages at this Meeting, what Dangers this poor Country lies under, we humbly refer it to you to judge, not taking upon us to deliver any Opinion. The Business lasted so long, that it hinder'd us from giving a more speedy Account. Sir, this is what at this time is sent from,

Your assured Friends and Servants,

York, May 13, 1642.

Fer. Fairfax, Hugh Cholmly,  
Philip Stapleton, Hen. Cholmly.

By the KING.

Whereas upon Summons from Us, divers Gentlemen of this our County of York did attend us upon Thursday the 12th of this instant May, when we declared our Resolution for the Reasons then delivered by us to have a Guard to secure and defend our Person; and desired therein the Concurrence and Assistance of the Gentry of this County. And whereas divers Gentlemen of this County for many Reasons and Occasions, could not then appear to receive our Pleasure on that behalf, whereunto divers have subscribed; we have therefore thought good hereby to give Notice, as well to those Gentlemen who were not then present, as to those who did then attend us, that our Command is, That as well those Gentlemen who are charged with Horse, as others, appear at York, upon Friday the 20th of this Month, in such Manner and Equipage as will be convenient for the Guard of our Person. And we require and command, That in the interim, no other Warrants or Commands whatsoever shall distract or hinder this our Service. And we further will and command,

May 14. The King's Warrant for the Gentry, &c. to appear the 20th of May at York.

Q q q q



An. 1642.

‘ command, that this our Order be forthwith published by the Sheriff of this  
 ‘ our County ; for which this shall be a sufficient Warrant.

‘ Given at our Court at *York*, the 14th of *May*, in the Eighteenth Year  
 ‘ of our Reign, 1642.

*To our Trusty and Well-beloved the Gentry of Yorkshire, and others  
 of this our County of York, whom it doth or may concern.*

His Majesty's  
 Letter to the  
 Gentry of  
 Yorkshire, May  
 16, 1642.

“ **WE** have with great Contentment consider'd your dutiful and affectionate Answer to our Proposition, concerning the unsufferable Affront we received at *Hull*, we have not been deceived in that Confidence we had in your Affection ; wherefore we desire you to assure the rest of your Country-men, who through negligence were omitted to be summoned, That we shall never abuse your Love by any Power wherewith God shall enable us, to the least Violation of the least of your Liberties, or the Diminution of those Immunities which we have granted you this Parliament, tho' they be beyond the Acts of most (if not all) our Predecessors: Being resolved with a constant and firm Resolution to have the Law of this Land duly observed, and shall endeavour only so to preserve our Just Royal Rights as may enable us to protect our Kingdom and People, according to the ancient Honours of the Kings of *England*, and according to the Trust which by the Law of God and this Land is put into the Crown, being sufficiently warned by the late Affront at *Hull*, not to transfer the same out of our Power. Concerning which Affront we will take some Time to advise which way we may usefully imploy your Affections. In the mean time we shall take it well from all such as shall personally attend us, *so followed and provided*, as they shall think fit for the better Safety of our Person, because we know not what sudden Violence and Affront may be offered unto us, having lately received such an actual Testimony of rebellious Intentions, as Sir *John Hotham* hath expressed at *Hull*. Being thus secured by your Affections and Assistance, we promise you our Protection against any contrary Power whatsoever. And that you shall not be molested for your humble and modest Petition, as of late you have been threatned.

Given at our Court at *York*, *May* the 16th, 1642:

*Die Martis, 17 Maii, 1642.*

The Parli-  
 ment's Decla-  
 ration against  
 Subjects at-  
 tending the  
 King at his  
 Pleasure.

**T**HE Lords and Commons in Parliament do declare, That it is against the Laws and Liberties of the Kingdom, That any of the Subjects thereof, should be commanded by the King to attend him at his Pleasure, but such as are bound thereto by special Service : And that whosoever upon Pretence of his Majesty's Command shall take Arms, and gather together with others, in a warlike Manner, to the Terror of the King's People, shall be esteem'd Disturbers of the Publick Peace, and to do that which may introduce a Precedent of very dangerous Consequence for the Future, and produce most mischievous Effects for the present, considering the great Distempers of the Kingdom, and what pernicious Counsellors and Incendiaries are now about the King, and how desperate and ill-affected divers Persons, attending upon his Majesty, have shewed themselves to the Parliament, and to his other good Subjects, threatning and reproaching them publicly, even in his Majesty's Presence.

And for preventing, and avoiding such great Mischiefs as may thereupon ensue ; It is ordered and ordained by both Houses of Parliament, That if the Trained-Bands, or any other his Majesty's Subjects, shall upon pretence of any such Command be drawn together, and put into a Posture of War, the Sheriff of that County where there shall be such raising, or drawing together of armed Men, do forthwith raise the Power of the County to suppress the same, and to keep his Majesty's Peace according to Law. And that the Lord Lieutenants,



tenants, Deputy-Lieutenants, Justices of the Peace, and all other his Majesty's Subjects be aiding and assisting to the several and respective Sheriffs in performance hereof, as they will answer the contrary at their Peril.

18. Caroli

H. Elsing, Cler. Parl. D. Com.

Die Martis, 17 Maii, 1642.

Whereas the Lords in Parliament, have this Day been informed, That the King is resolved to adjourn the next Term from *Westminster* to *York*; upon which, the Lords sent a Committee to the Lord-Keeper of the Great Seal of *England*, to know of him, Whether he had received any Command touching the same; who acquainted the said Committee, That he had received a Command from his Majesty to issue a Proclamation, and Writs to that purpose.

A Vote against removing the Term to *York*.

Whereupon, This House taking the said Matter into Consideration, hath Voted, That the King's Removal of the Term to *York*, from *Westminster*, sitting this Parliament, is Illegal.

And hath further Ordered, That the said Lord-Keeper shall not issue out any Writs, or seal any Proclamation, for Adjourning the said next Term from *Westminster* to *York*, as aforesaid.

Job. Brown, Cleric. Parl.

Die Martis, 17 Maii, 1642.

Several VOTES of Parliament, concerning Serjeant Major General *Skippon*.

Resolved upon the Question,

That this Command of his Majesty to call Captain *Philip Skippon*, Serjeant Major General of the Forces of *London*, to attend his Majesty's Person at *York*, is against the Law of the Land, and the Liberty of the Subject.

Resolved, &c. That this Command of his Majesty, to call Captain *Philip Skippon*, Serjeant Major General of the Forces of *London*, to attend his Majesty's Person, being imploy'd by both Houses to attend their Service, without their Consent, is against the Privilege of Parliament.

Resolved, &c. That Captain *Philip Skippon*, Serjeant Major General of the Forces of *London*, shall continue to attend the Service of both Houses, according to their former Commands.

H. Elsing, Cler. Parl. D. Com.

Die Martis, 20 Maii, 1642.

It is this Day Ordered by the Lords and Commons in Parliament assembled, That the Magazines of the several Counties in *England* and *Wales*, shall be forthwith put into the Power of the Lords Lieutenants of the said Counties, respectively, (being such as the Parliament doth confide in) for the Service and Safety of his Majesty and the Kingdom.

Ordered by the Lords in Parliament, That this Order shall be printed and published.

John Brown, Cler. Parliamentorum.

Qqqq 2

By



An. 1642.

King's Sum-  
mons to the  
Ministers,  
Free-holders,  
&c. to He-  
worth-Moor.

By the KING.

OUR Will and Pleasure is, That the *Ministers, Free-holders, Farmers, and* substantial Copy-holders of this our County of *York*, do assemble and meet together at *Heworth-Moor*, near our City of *York*, upon *Friday in Whit-sun-Week*, according to former *Summons*, by *Nine of the Clock in the Morning*, for that we are informed there are divers Fairs to be kept in this County the Day following, at which Time many of them may have necessary Occasion to be absent. And therefore out of our Tenderness and Care of our good Subjects, we have thought fit to give this early Notice, to the end the said Inhabitants may be put to as little Prejudice as may be. And this our Pleasure we require to be forthwith printed, and Copies thereof to be speedily published and dispersed by the Sheriffs of this County, for which this shall be sufficient Warrant.

Given at our Court at *York*, the 27th Day of *May*, 1642.

*His Majesty's Declaration to the Ministers, Free-holders, Farmers, and substantial Copy-holders of the County of York; Assembled by his Majesty's special Summons at Heworth-Moor, near the City of York, on Friday the 3d. of June, 1642.*

WE would have you to be assured, That we never intended the least neglect unto you in any former Summons of the Country, our Love, as well as our Protection, extending to all our Subjects; but as you are a great Body, Time and Conveniency must be observed in your Assembling.

That you may know the general Reasons of our being here, you must understand, That when we found it neither Safe nor Honourable, to expose our Person to the tumultuous and licentious Proceedings of many (which to this Day are unpunished) who did disorderly approach near our Court at *Whitehall*, we trusted this part of our Dominions chiefly to reside in: Where, as most of the Gentry already have, so we assure ourselves the rest of you will give us clear Testimony of your Service and Obedience, which we will never use otherwise, than for the Defence of the true Orthodox Religion professed and settled in Queen *Elizabeth's* Time, and confirmed by the Authority of the Statutes of this Realm, the Defence of the Laws and Fundamental Constitutions of this Kingdom, (as the justest Measure and Rule for our Prerogative, and your Liberties and Rights): And lastly, for the Preservation of the Peace of this Kingdom.

As for our own Zeal to the *Protestant Profession*, we refer all the World to our daily Exercise of, and our Declarations concerning it, and Execution of the Laws against the *Papists*: So likewise we cannot but declare our self most heartily sorry to find such Separatists and Schismatics, who presume against the Law, to foment new Doctrines and Disciplines, to the Disturbance of Church and State.

For the Law, it being the common Inheritance of our People, we shall never enforce any Prerogative of ours beyond it, but submit our self to it, and give you, and all our Subjects, the fullest Latitude of it, both for the Liberty of your Persons, and the Propriety of your Estates. And for the inviolable Confidence and Assurance hereof, as we take God (the Searcher of all Hearts) to witness our real Intention herein, so we shall no longer desire you to stand for the Defence of our Person, Honour, and just Prerogative, than we shall maintain the Laws of the Land, the Liberty of your Persons, and the Propriety of your Goods.

As for the clear Understanding of our Resolutions to maintain Peace, we may have the Confidence and Happiness to refer (against all Malignity whatsoever) to our former sixteen Years Reign, (too long to dissemble our Nature) if in all this Time we never caused the effusion of one drop of Blood, it must needs



needs be thought, that in our riper Judgment in Government, we should never open such Issues as might drown us, and our Posterity in them. But we are sure to have no Enemies, but in the Defence of the true Protestant Profession, the Right of the Established Laws, and for the Preservation of Peace; and certainly all these must be all yours, as well as our Enemies.

And to the end that this present Posture wherein we meet, should not affright you with the Distempers of the Times, the Example of the two Houses having made us prepare for a Guard to us and our Childrens Persons, we wish you to look into the Composition and Constitution of it, and you will find it so far from the Face or Fear of War, that it serves to secure you as well as us from it; for our Choice is of the prime Gentry, and of one Regiment of our Train'd-Bands, which cannot be thought to oppress the Country, (being their own) nor War with themselves.

And we further assure you, We never intended to use Foreigners, or distressed in Religion; and that you may fully assure yourselves of our sole Dependency upon the Love and Service of our own People, to live and die with them, we have armed these our Subjects, which had been most irrational, if we had ever intended to have used Strangers. And further, you may perceive that we receive none, but such as stand clear in Loyalty and Religion, for which Reason we have caused the Oaths of Allegiance and Supremacy to be given them.

Likewise, to prevent any Distempers at Home, we have, and shall put the Train'd-Bands of all this our Kingdom under the Command of Persons of Honour, Confidence, and Affection to their Country, straitly charging, upon their Allegiance, no Officer to accept any Command in them, nor Soldiers to obey any, save such as are authorized by us. And for the prevention of any innovated Power over you, you shall have us here to govern you, and the Soldiery to protect you in Peace, and to relieve you against all Oppressions; for that, as we have told you before, must arise from some great Violation, (which we hope God will prevent) and not from this Preparation of our Subjects. Therefore, let none of you be affrighted with vain Fears; if such a War should follow, it follows the Authors Home to their own Doors: And such (by the Confidence of our Person with you) we assure our self you are not.

Here we had left you to your Fidelity and Duty, had not some malicious Insolence in our former Meetings sent forth most presumptuous Summons, deceiving our People, and presuming upon our Royal Authority; and these present themselves as great Defenders of Religion, Peace, and Liberty: Whereas they become infectious and contagious to the People, seducing them into vain Fancies and Delusions, as may appear by their Warrants, which we could trace to some Pulpits, as we are credibly informed. And you see it were just in us to punish these as Authors of Sedition, but that it would be too great a Favour, for it would honour them with the Title of Martyrdom for God's Cause, as they vainly pretend: But you may now see from whence this Spirit comes, that would make us to be in the Act of Destruction of Religion, our Person a Disturber of the Peace, and ready to introduce Slavery. These here are all the Foreign Forces we have, or ever shall intend to have, to act these great Designs, notwithstanding the vain Fears hitherto imagined. So that you see it is high Time that these Fancies were dispersed and driven away, that we might be repaired in Honour and Interest, and you enjoy the Blessing of Peace and Happiness, the Advancement whereof shall be our Study and Comfort; and therefore we shall (when you shall think it a convenient Time) ease you in the Number of the Train'd-Bands. And for your Billet-Money, it had been long since paid, but that no part of the Subsidies (which we passed for that purpose) came to our Hands; and we shall not be wanting in any thing that lieth in us, for the full Satisfaction thereof; and shall make our Grace and Bounty to you answerable to your best Fidelity and Loyalty, as Occasion shall be offered to us.



An 1642.

*The Copy of a Warrant from the King's most Excellent Majesty, directed unto the High-Sheriff of the County of York, for summoning of all Gentlemen, and others, being Protestants, who are charged with Horses for his Majesty's Service, or have listed themselves to attend personally for his Majesty's Security, to make their Appearance at York, on Thursday the 17th of July, 1642.*

June 30, 1642.  
His Majesty's  
Warrant for  
such as are  
charged with  
Horses to at-  
tend him at  
York, July 17.

**H**IS Majesty hath given special Charge, that you speedily give effectual Warning to all Gentlemen, within your several respective Divisions, as also to all who are or heretofore have been charged with Horses for his Majesty's Service, or have listed themselves to attend personally for his Majesty's Security, or that are of Ability by their Estates so to do, that they be at *York* (all Excuses and Delays set a-part) upon *Thursday* next, being the 17th of *July*, by Ten of the Clock before Noon: And that such who are obliged by their Subscriptions, or otherwise, bring along with them their Horses and Furniture accordingly; and that others not so engaged or charged, (of whose suitable Affection there is the like Perswasions) be here at *York* the same Time and Place, where they shall understand his Majesty's Pleasure. You must also give Notice, That all such Men who appear that Day to be employ'd for his Majesty's Service, be of the Protestant Religion: Neither must you fail to be here yourselves, and to bring along with you a Schedule of the Names of all those to whom you have given such Warning, that thereby an Account may be given of your Service herein, and his Majesty be truly informed of all those who give due and ready Obedience to these his Summons and Commands. Fail you not hereof at your Peril, in a Business so much concerning his Majesty's Service. Dated at *York* the 30th of *June*, 1642.

To all Constables, Head-Constables, Bailiffs of Liberties and Wapentakes, their Deputy or Deputies, within the County of *York*; and to all other his Majesty's Loyal Subjects whom it may concern.

*His Majesty's Declaration made the 13th of June, 1642. to the Lords attending his Majesty at York, and to others of his Majesty's Privy-Council there. Together with their Promise thereupon, subscribed by them.*

CHARLES R.

King's Declaration made at *York*, June 13. of what Obedience he requires from such as attend him; and that he intends not to War against the Parliament.

**W**E do declare, That we will not require, nor exact any Obedience from you, but what shall be warranted by the known Law of the Land; as we do expect that you shall not yield to any Commands, not legally grounded or imposed by any other.

And we do further declare, That we will defend every one of you, and all such as shall refuse any such Commands, whether they proceed from Votes and Orders of both Houses, or any other Way, from all Dangers and Hazards whatsoever.

And we do further declare, That we will defend the true Protestant Religion, established by the Law of the Land, the lawful Liberties of the Subjects of *England*, and just Privileges of all the Three Estates of Parliament: And shall require no further Obedience from you, than as accordingly we shall perform the same.

And we do declare, That we will not (as is falsely pretended) engage you, or any of you, in any War against the Parliament, except it be for our necessary Defence and Safety, against such as do insolently invade or attempt against us, or such as shall adhere to us.

*York, 13 June, 1642.*

*The*



*The Promise of the said Lords and others.*

WE do engage ourselves not to obey any Orders or Commands whatsoever, not warranted by the known Laws of the Land.

We do engage ourselves to defend your Majesty's Person, Crown, and Dignity ; together with your Majesty's just and legal Prerogative, against all Persons and Power whatsoever.

We will defend the true Protestant Religion established by the Law of the Land, the lawful Liberties of the Subjects of *England*, and just Privileges of your Majesty, and both your Houses of Parliament.

And lastly, We engage ourselves, not to obey any Rule, Order, or Ordinance whatsoever, concerning any Militia that hath not the Royal Assent.

The Promise  
of the Lords  
at York to the  
same Purpose.

Subscribed by

York, 13 June, 1642.

Lord Keeper, Lord Duke of *Richmond*, Lord Marquess of *Hertford*, Eard of *Lindsey*, Earl of *Cumberland*, Earl of *Huntingdon*, Earl of *Bath*, Earl of *Southampton*, Earl of *Dorset*, Earl of *Salisbury*, Earl of *Northampton*, Earl of *Devonshire*, Earl of *Cambridge*, Earl of *Bristol*, Earl of *Westmoreland*, Earl of *Barkshire*, Earl of *Monmouth*, Earl of *Rivers*, Earl of *Newcastle*, Earl of *Dover*, Earl of *Carnarvon*, Earl of *Newport*, Lord *Mowbray* and *Matravers*, Lord *Willoughby* of *Eresby*, Lord *Rich*, Lord *Charles Howard* of *Charleton*, Lord *Newark*, Lord *Paget*, Lord *Chandois*, Lord *Faulconbridge*, Lord *Paulet*, Lord *Lovelace*, Lord *Savile*, Lord *Coventry*, Lord *Mohun*, Lord *Dunsmore*, Lord *Seymour*, Lord *Grey* of *Ruthin*, Lord *Capell*, Lord *Falkland*, Mr. Comptroller, Mr. Secretary *Nicholas*, Mr. Chancellor of the *Exchequer*, Lord Chief Justice *Banks*.

About this Time Sir *John Meldrum* wrote to the King with great Freedom from *Hull* ; touching which, in a Letter from Sir *Hugh Cholmley* to my Lord *Fairfax*, June the 12th, 1642. I find this Expression ; Sir *John Meldrum* hath written such a Letter to the King, that if your Lordship saw it, you would judge him to be a bold Scot. Which Letter of *Meldrum's* was as followeth :

*Sir John Meldrum's Letter to the King, June 1642.*

Most Gracious Sovereign,

[T is held a common Tenet, That an Apology doth imply an Offence ; wherefore, if I were conscious to my self of the least Breach of Allegiance due to Sovereignty, I would not blush in the ingenuous Acknowledgment of my Guilt, but would (in all Humility) throw my self down at your Majesty's Feet, though culpable in nothing else, (so far as my Conscience doth suggest) but of a great Averseness in Disposition, and a great Reluctation I have had within my self, against all the late Proceedings which have been attempted in your Majesty's Service ; which if it should be found Criminal, there are not many of your Majesty's best-advised, and best-affected Subjects or Servants, of any Quality, that stand, either for the Glory of God, the Honour of your Majesty, or the Peace and Happiness of the Kingdom, who, in *Foro Conscientiæ*, can plead Guiltless in that Point ; and if there be in any a contrary Sense, (who are considerable) it will appear (upon a strict Search) that Flattery, Spleen, or Emulation, hath rather transported them, than any thing else found essential to make such a Breach as the Kingdom is threatned with, which unprevented, may bury them and their Posterities in the Ruins thereof.

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The Zeal I have had to your Majesty's Father's Service in *Ireland*, in settling the Province of *Ulster*; and to your Service at *Rochel*, which in my Time hath had no Example, will vindicate me from any Aspersions that may be cast upon me, either of *Ingratitude*, or *Disloyalty*; and that all your Majesty's Favours have produced no other Effects to me, but to have been made the Subject of all Calumnies and Detraction that Malice could brand me with, and a deep Ingagement in 2000 *l.* Debt, after the spending of thirty six Years of Time in your Majesty's Father's, and your own Service. I did adventure upon a great Freedom of Discourse with your Majesty at *Newcastle*, upon the Subject of the War; which, if it had taken any Impression suitable to the Sincerity of my Heart, as a Business of so high a Nature did require, your Majesty might have avoided many unhappy Accidents, which have encountered all your Attempts since that Time; which cannot be interpreted to have sprung from any other Source, than from the Rashness, Arrogancy, and Ambition of some presumptuous Spirits, who have drawn your Majesty upon ruinous Precipices, which cannot but bring forth the like wretched Effects: Their Aim was at nothing so much as at the Disgrace and Overthrow of all your Majesty's well-affected and loyal Subjects and Servants, who were not stamped with the Character of the Time; and to engage your Majesty in their unhappy Interest of Ambition, Gain, Malice, Revenge, Despair, and Emulation; as if your Majesty's *Crowns*, and their *desperate Fortunes*, had had but one and the same Centre; as if both had been cast in *one Ballance*, to stand or fall in the Distractions of the Times. When I did look upon the lamentable Posture of three Kingdoms, reduced to a great height of Desolation and Misery: When I did perceive that no Corner in your Dominions could afford a good Man that was sensible of the Purity of Religion towards God, of the Honour, Peace, and Safety of your Majesty and Kingdoms, who did not groan under the Exorbitancies of the Time, and when there was small Probability (unless by *Miracle*) that your Majesty's Diadems could retain that ancient Lustre and Beauty, nor those *Halcion Days* of publick Prosperity continue, which your loving Subjects and their Ancestors had formerly enjoyed under the Reigns of your Royal Progenitors, whilst they kept a regular Course of Government with their Parliaments; I could find no better way to do your Majesty a more general Service, than by stopping the Course of a Civil War, so far as could fall within the Compass of my Endeavour, to imbrace any fit Opportunity offered, as to cast my self within *Hull*; hereby my Zeal and Affection to the publick Good might be demonstrated in a Service for the common Interest of your Majesty and the Kingdom, which whosoever shall go about to *separate*, cannot but expect such fearful Events, as ordinarily do accompany all such who would entertain and foster a woeful Divorcement betwixt a *Prince* and his *People*, a wretched Division betwixt the *Head* and the *Members*, which (of necessity) must bring forth such prodigious Issues, as may not only shake the Foundation of *Monarchy*, but also overflow the fertile and pleasant Fields and Vallies of this Kingdom with Streams of innocent *Blood*, which might be more safely reserved for more advantageous, and more honourable Employments, than profusely to be spent in the ripping up the Bowels one of another of your Majesty's good Subjects, by an *Intestine War*; which will divide the *Father* from the *Son*, the Brother from the Brother, and the nearest Kinsman from his dearest Friend. And that which is most deplorable, the ground of the War must rise from the unsettled and unconstant Appetites of some *factious* and turbulent Spirits, overladed with the bitterness of their own Passions and Interests; and at such a Juncture too, when a more just, and a more honourable Subject for a War cannot be long wanting, if the unseasonable Distempers of the Time could allow your Majesty's good Subjects a little Time to breathe in the calm Air, and Happiness of a blessed *Peace*, untill such Time as *France* and *Spain* (by their mutual Clashings) have so far debilitated each other, that both might run the hazard to be made the *Stage* for your Majesty's just Indignation, provoked by the *Affronts* have been put upon your Majesty's *Father*, and your self, in the unjust Detention of the Patrimony of a *Grand-Child* of this Crown. If there were a happy Atonement with your Majesty's loving Subjects, strongly cemented by a strict Correspondency with the *Netherland-Provinces*, whose Friendship or Enmity may do more



more good or hurt to these Kingdoms, than the Friendship or Enmity of *France* and *Spain* joyned together. The miserable Sense of that War in *Italy*, by the pertinacious Obstinacy of *Charles* the Eighth, which was stirred up and fomented by the Ignorance and Ambition of that proud Prelate, the Bishop of *St Malo*, which did draw on his shameful Expulsion out of *Italy*, at the Expence of his Reputation, and Hazard of his Life: The deplorable Event of that War, violently prosecuted by *Charles* the more hardy than wise Duke of *Burgundy*, against the *Swisses*, which had no other Ground but unreasonable Ambition, and the Refusal of Redress to some of the *Swisses*, who had but a Cart full of *Sheep-skins* taken injuriously from them, going to their Market, by the Count of *Romont*, which was paid home by the loss of his Baggage, by the loss of his Reputation, by the loss of his Family (which for four Generations had stood in Competition with the Emperor, and the French King) and in the End by loss of his Life: The vast and profuse Consumption of more Men and Money, spent by the King of *Spain* in that *Belgick War*, than might have reduced *Italy* and *France* to that Austrian Servitude, aspired unto *Charles* the Fifth, (aiming at a Fifth Monarchy) which if it had in time been nipped in the Bud, might have been easily prevented by hearing the Humble Petitions of a handful of his Subjects, oppressed with the Tyranny of the Spanish Government; may all serve as Examples of Terror to all great Princes, who (at the Appetites of their Servants) will imbarke themselves in such inextricable Errours, as are often accompanied with sudden unfortunate Events. Many great and honourable Actions have been brought to happy and glorious Conclusions, by Princes who have rely'd upon the Valour and Affection of their loving Subjects, which being wanting, the Examples of good Success have been no less rare, than of black Swans, either in ancient or modern Stories. The hearty Acclamations of Joy at your Father's Entry to the Crown of *England*, the publick Exultations of your Majesty's safe Return from *Spain*, will challenge a more kindly Retribution, than the Exposing of the Fortunes and Lives of your good Subjects to the inhumane Bucheries of an Intestine War, which (like a Gangreen) hath already over-run the greatest Part of *Europe*; and may, by the Revolution of Time (whereunto all sublunary Things are subject) kindle such a Fire here amongst your good Subjects, which will not be quickly extinguished by all the Plots and Practices of the Time, nor without some Hazards to your Scepters; especially when Strangers (being invited by our Distractions, if they have Power, Ambition, and Sense of Revenge) may endeavour to be Sharers with your Majesty's good Subjects in the Felicities of this Island, as the only Place in *Europe*, which hath been long exempted from the Thralldom and Bondage of War, which undoubtedly they would have attempted before this Time, if God (in his gracious Providence and Care of this Island) had not suffered *France* and *Spain* to be deeply imbarqued over Head and Ears. The common Quarrel of Invasion, which Princes never forget, if they can find an Opportunity to remember the Jesuitick Plots, to extirpate the whole Body of Protestants in this Island; which, as it was in former Times, the only safe sanctuary and Protection of all that suffered under the Tyranny of *Rome*, may (by these Machinations rooted here too deeply) become a Cage for unclean Birds to nestle therein, and disturb the Peace of these Kingdoms, as a powerful effect of too much implicit Trust but in some, who will prove in the End your Majesty's greatest Enemies; and of too much neglect of others, who will be found the best Supporters of the Dignity of your Person and Crowns; and if there be a War really intended, there is a Necessity of a more settled Foundation than the Protection of evil and unadvised Ministers, whom your Majesty's Predecessor, *Henry* the Fourth of *England*, would have rather offered up as publick Victims to an offended Common-wealth, than that three Kingdoms should lie pitifully exposed to the Hazards of a publick Conflagration, which God in his Mercy avert. I must rather account him an ignorant Mountebank than a skilful Physician, who adviseth his Patient to apply a more violent Remedy than the Nature of the Disease will comport with; otherwise the Remedy may prove worse than the Disease: Nor shall I ever account him for a faithful Servant, who perswadeth his Master to imbrace any Action which may more conduce to the Advancement of any private Interest of Ambition, Gain, Malice, Revenge, Despair, or Emulation, than to



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the Safety of his Master's Reputation and Honour. Your Majesty doth well know the different Characters Antiquity hath put upon the two Favourites of *Alexander, Hephæstion* and *Craterus*; the one loved *Alexander* out of Conscience, Duty, Zeal and Love, as his *Sovereign*; the other loved the King for his Magnificence, Pomp, Glory, and the Power *Alexander* had to raise his Fortune, and to make him *Great*; not unlike to the Legionary Soldiers that followed *Germanicus*, recorded by *Tacitus*, to have said, *Fortunam meam potius, quam me sequuntur*. Of such Court-Parasites, who do rather look upon the Fortunes than Persons of great Princes, I pray God, your Majesty have not too many, and too few of the other kind of Servants. Pardon, dread Sovereign, this Freedom of Spirit, which no Extremity, no Power, no Punishment can restrain; and which cannot but burst forth in this Excess of Passion and Grief, to see your Majesty so inclinable to give way to such Courses, as can presage no less than a fearful Revolution, if your Majesty should continue in a constant Course of being inexorable to the Perswasions, Counsels, and Petitions of your loving Subjects, inviting your Majesty to adhere to your great Council of Parliament, who are only able to make your Majesty no less happy and glorious than any of your Royal Progenitors. God grant, that in the End, your Majesty may be sensible of the common Calamities your good Subjects are involved in; and that some proper Occasion may be represented whereby every true and loyal Subject may be encouraged to offer up his Sacrifice of Blood, for the Honour and Safety of your Majesty and your whole Dominions, whereof none shall be more prodigal than,

Your Majesty's most humble and faithful Servant,

*Jo. Meldrum.*

## To the King's most Excellent Majesty,

*The Humble Petition of the Lords and Commons in Parliament Assembled.*

The Parliament's Petition to the King, about the Yorkshire Freeholders Petition, June 17.

**Y**OUR Majesty's most humble and faithful Subjects, the Lords and Commons assembled in Parliament, have lately received a Petition from a great Number of the *Gentry, Freeholders*, and other Inhabitants of the County of *York*, assembled there by your Majesty's Command, the third of *June*; wherein they declare unto us, That having taken a Resolution to address themselves unto your Majesty in the humble way of a Petition, for the Redress of those Grievances which they now lie under, they were violently interrupted and affronted therein by the Earl of *Lindsey*, the Lord *Savil*, and others; and notwithstanding all the means they could use to present their just Desires to your Majesty, yet they could not prevail with your Majesty to accept of their Petition: The Copy whereof they have sent to us, with an humble Desire, that we would take such Course therein as may tend to the Preservation of their Liberties, and the Peace of the Kingdom: And that we would address ourselves to your Majesty in their behalf, that by our means their Desires may find better Acceptation with your Majesty. Whereupon having seriously weighed and considered the Particulars of those their Complaints and Desires, as they are laid down in their Petition; and finding that the Grievances they complain of, are the increase of the Miseries formerly sustained by that County (which hath well nigh for three Years last past been the Tragical Stage of Armies and War) by reason of your Majesty's Distance in Residence, and Difference in Counsels from your Great Council, the Parliament, begetting great Distempers and Distractions thro'out the Kingdom, and especially in that County. The drawing to those Parts great Numbers of discontented Persons, that may too justly be feared do affect the publick Ruin for their private Advantage, the drawing together of many Companies of the Train'd-Bands, and others, both of Horse and Foot of that County, and retaining Multitudes of Commanders and Cavaliers from other Parts; the daily resort of Recusants to your Majesty's Court at *York*: The great Preparations of Arms and other warlike Provisions,

to



to the great *terror* and amazement of your Majesty's peaceable Subjects, and causing a great Decay of Trade and Commerce amongst them ; all and every of which Particulars, are against the *Law*, which your Majesty hath made so many and frequent Professions to maintain and uphold.

And the Lords and Commons finding on the other side, their humble Desires to be, That your Majesty would hearken to your Parliament, and declining all other Counsels whatsoever, unite your Confidence to your Parliament ; and that your Majesty would not divide your Subjects *joint Duty* to your Majesty, the Parliament and Kingdom, nor destroy the Essence of your *Great Council*, and highest Court, by subjecting the Determinations and Counsels thereof, to the Counsels and Opinions of any *private* Persons whatsoever. That your Majesty having passed an *Act*, That this Parliament shall not be dissolved but by *Act of Parliament*, your Majesty would not do any thing thereunto tending, by commanding away the *Lords* and great Officers, whose Attendance is necessary thereunto : That your Majesty having expressed your Confidence in the Affections of that County, you would please to dismiss your extraordinary *Guards*, and the *Cavaliers* and others of that Quality, who seem to have little Interest or Affection to the publick Good, their Language and Behaviour speaking nothing but Division and *War*, and their Advantage consisting in *that* which is most destructive to others.

And lastly, That in such Consultations and Propositions as your Majesty maketh to that County, such may not be thrust upon them as Men of that County, that neither by their Fortune or Residence are any part of it.

All which their humble and most just Desires, being according to *Law*, which your Majesty hath so often declared, should be the Measure and *Rule* of your Government and Actions : And we your Majesty's most faithful Subjects, the Lords and Commons, fully concurring with the Gentlemen and others of the County of *York*, in their Assurance that those Desires of theirs will abundantly redound to the Glory of God, the *Honour and Safety* of your Majesty, the Good of your Posterity, and the Peace and *Prosperity* of this Kingdom. We humbly beseech your Majesty graciously to hearken unto them, and to grant them ; and that you would join with your Parliament in a *speedy* and effectual Course, for the Preservation of their *Liberties*, and the Peace of the Kingdom ; which Duty, as we are now called upon by that County to discharge, so do we stand engaged to God and Man for the Performance there, by the Trust reposed in us, and by our solemn *Vow* and *Protestation* ; and your Majesty, together with us, stands engaged by the like Obligation of *Trust*, and of an *Oath*, besides the many and earnest Professions and *Protestations* which your Majesty hath made to this purpose, to your whole Kingdom in general, and to *that County* in particular, the Peace and Quiet of this Kingdom, (as is well observed by these Gentlemen and Free-holders of *Yorkshire* in their *Petition*) being the only visible Means, under God, wherein consists the Preservation of the *Protestant Religion*, the Redemption of our Brethren in *Ireland*, and the Happiness and Prosperity of your Majesty, and of all your Dominions.

*His Majesty's Answer to the Petition of the Lords and Commons in Parliament Assembled, presented to His Majesty at York, the 17th of June, 1642.*

**H**IS Majesty having carefully weighed the Matter of this Petition presented to him at *York*, on *Friday* the 17th of *June*, by the Lord *Fairfax*, Sir *Hugh Cholmley*, Sir *Philip Stapleton* ; Tho' he might refer the Petitioners to his two last Declarations, wherein most of the Particulars in this Petition are fully answered, or might refuse to give any Answer at all, 'till he had received Satisfaction in those high Indignities he hath so often complained of, and demanded Justice for : Yet that all the World may see how desirous his Majesty is to leave no *Act*, which seems to carry the Reputation of both his Houses of Parliament, and in the least Degree to reflect upon his Majesty's Justice and Honour, unanswered, is graciously pleased to return this Answer :



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‘ That if the Petition mentioned to be presented to both Houses of Parliament, had been annexed to this now delivered to him, his Majesty might have discerned the Number and the Quality of the Petitioners, which his Majesty hath great Reason to believe, was not in Truth so considerable as is pretended ; for his Majesty assures you, That he hath never refused any Petition so attested as that would be thought to be : But his Majesty well remembers, That on the third of *June*, when there was, upon his Majesty’s Summons, the greatest and the most chearful Concourse of People that ever was beheld of one County, appearing before him at *York*, a Gentleman (one *Sir Thomas Fairfax*) offered in that great Confluence, a Petition to his Majesty ; which his Majesty seeing to be avowed by no Man but himself, and the general and universal Acclamations of the People seeming to disclaim it, did not receive, conceiving it not to be of so publick a Nature, as to be fit to be presented or received in that Place. And his Majesty is most confident (and in that must appeal to those then present) that whatever the Substance of that Petition was, it was not consented to by any considerable Number of Gentry or Free-holders of this County, but solicited by a few Men, inconsiderable Persons, and disliked, and visibly discountenanced by the great Body of the known Gentry, Clergy, and Inhabitants of this whole County. And if the Matter of that Petition was such as is suggested in this, his Majesty hath great Reason to believe it was framed and contrived (as many others of such Nature have been) in *London*, not in *Yorkshire* ; for sure, no Gentleman of Quality and Understanding of this County, would talk of his great Preparation of Arms, and other warlike Provisions, to the great Terror and Amazement of his peaceable Subjects, when they are Witnesses of the violent taking his Arms from him, and stopping all ways for bringing any more to him. And if there were no greater Terror and Amazement of his Majesty’s peaceable Subjects in other Places, by such Preparations and Provisions, there would be no more Cause to complain of a great Decay of Trade and Commerce there, than is in this Place. But his Majesty hath so great an Assurance of the Fidelity and general Affections of his good Subjects of this County, (which he hopes will prove exemplar over his whole Kingdom) that he hath great cause to believe, that they do rather complain of his Majesty’s Confidence, and of his Slowness ; that whilst there is such Endeavour abroad to raise Horse, and to provide Arms against his Majesty, and that Endeavour put in Execution, his Majesty trusts so much to the Justice of his Cause, and the Affections of his People, and neglects to provide Strength, to assist that Justice, and to protect those Affections.

‘ For any Affronts offered by the Earl of *Lindsey*, or the Lord *Savil*, to those who intended to petition his Majesty, his Majesty wishes that both his Houses of Parliament would have examined that Information, and the Credit of the Informers, with that Gravity and Deliberation, as in Cases which concern the Innocence and Honour of Persons of such Quality hath been accustomed, before they had proscribed two Peers of the Realm, and exposed them (as much as in them lay) to the Rage and Fury of the People, under the Character of being Enemies to the Common-wealth, a Brand newly found out (and of no legal Signification) to incense the People by, and which the Simplicity of former Times was not acquainted with : And then his Majesty hath some Reason to believe, they would have found themselves as much abused in the Report concerning those Lords, as he is sure they are in those which tell them of the Resort of great Numbers of discontented Persons to him, and of the other Particulars mentioned to be in that Petition ; whereas they who observe what Resort is here to his Majesty, well know it to be of the prime Gentlemen of all the Counties in *England*, whom nothing but the Love of Religion, the Care of the Laws and Liberties of the Kingdom, besides their Affection to his Person, could engage into great Journeys, Trouble and Expence ; Men of as precious Reputation, and as exemplary Lives, as this Nation hath any ; whose Assistance his Majesty knows he must not expect, if he should have the least Design against Honour and Justice. And such Witnesses his Majesty desires to have of all his Actions.

‘ For the declining all other Counsels, and the uniting his Confidence to his Parliament, his Majesty desires both his Houses of Parliament, seriously and  
sadly



‘sadly to consider, That it is not the Name of a great or little Council that makes the Results of that Council Just or Unjust; neither can the Imputation upon his Majesty of not being advised by his Parliament, (especially since all their Actions, and all their Orders, are exposed to the publick View) long mislead his good Subjects, except in Truth they see some particular sound Advice, necessary to the Peace and Happiness of the Common-wealth, disesteemed by his Majesty; and such an Instance he is most assured, neither can nor shall be given; and that they will think it Merit in his Majesty from the Common-wealth, to reject such Counsel as would perswade him to make himself none of the Three Estates, by giving up his Negative Voice, to allow them a Power superior to that which the Law hath given him, whensoever it pleaseth the major part present of both Houses, to say, That he doth not discharge his Trust as he ought, and to subject him and his Subjects unquestionable Right and Propriety to their Votes, without and against Law, upon the meer Pretence of Necessity.

‘And his Majesty must appeal to all the World, who it is that endeavours to divide the joint Duty of his Subjects; his Majesty, who requires nothing but what their own Duty, guided by the infallible Rule of the Law, leads them to do; or they, who by Orders and Votes, (opposite and contradictory to Law, Custom, Precedent, and Reason) so confound the Affections and Understandings of his good Subjects, that they know not how to behave themselves with Honesty and Safety, whilst their Conscience will not suffer them to submit to the one, nor their Security to apply themselves to the other: It is not the bare saying, His Majesty’s Actions are against the Law, (with which he is reproached in this Petition, as if he departed from his often Protestations to that Purpose) that must conclude him, there being no one such Particular in that Petition alledged, of which his Majesty is in the least Degree guilty. Whether the same Reverence and Esteem be paid by you to the Law, (except your own Votes be Judge) needs no other Evidence than those many, very many Orders published in print, both concerning the Church and State, those long Imprisonments of several Persons without hearing them, upon general Information; and the great and unlimited Fees to your Officers, worse than the Imprisonment, and the arbitrary Censure upon them, when they are admitted to be heard. Let the Law be Judge by whom it is violated.

‘For that part of the Petition which seems to accuse his Majesty of a Purpose to dissolve this Parliament, (contrary to the Act for the Continuance) by commanding away the Lords and great Officers, whose Attendance is necessary; which his Majesty well knows to be a new Calumny, by which the grand Contrivers of Ruin for the State, hope to seduce the Minds of the People from their Affection to, or into Jealousie of his Majesty, as if he meant this Way to bring this Parliament (which may be the Case of all Parliaments) to nothing: It is not possible for his Majesty more to express his Affection to, and his Resolution for the Freedom, Liberty, and Frequency of Parliaments than he hath done. And whoever considers how visible it must be to his Majesty, that it is impossible for him to subsist without the Affections of his People; and that those Affections cannot possibly be preserved or made use of but by Parliaments, cannot give the least Credit, or have the least Suspicion that his Majesty would chuse any other Way to the Happiness he desires for himself and his Posterity but by Parliaments.

‘But for his calling the Lords hither, or any others absenting themselves who have not been called, whoever considers the Tumults (which no Votes or Declarations can make to be no Tumults) by which his Majesty was driven away, and many Members of either House in danger of their Lives; the demanding the Names of those Lords who would not consent to their Propositions, by Message from the House of Commons, delivered at the Bar by Mr. Hollis, with that most tumultuous Petition, in the Name of many thousands, (among many other of the same kind) directed to the House of Commons, and sent up by them to the House of Lords, taking notice of the prevalency of a malignant Faction, which made Abortive all their good Motions, which tended to the Peace and Tranquility of the Kingdom, desiring that those Noble Worthies of the House of Peers, who concurred with them in their happy  
‘Votes,



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Votes, might be earnestly desired to joyn with that honourable House, and to sit and vote as one entire Body, professing, That unless some speedy Remedy were taken for the Removal of all such Obstructions as hindred the happy Progress of their great Endeavours, the Petitioners should not rest in Quietness, but should be enforced to lay hold on the next Remedy which was at Hand, to remove the Disturbers of their Peace, and (Want and Necessity breaking the Bounds of Modesty) not to leave any Means unessay'd for their Relief; adding, That the Cry of the Poor and Needy was, That such Persons who were Obstacles of their Peace, and Hinderers of the happy Proceedings of this Parliament, might be forthwith publicly declared, whose Removal they conceived would put a Period to these Distractions. Upon which a great Number of Lords departing, the Vote in order to the Ordinance concerning the *Militia* was immediately pass'd, though it had been twice before put to the Question, and rejected by the Votes of much the major part of that House. And whoever considers the strange Orders, Votes, and Declarations which have since passed, to which whosoever would not consent, (that is, whosoever with Freedom and Liberty of Language and Reason durst profess against, was in Danger of Censure and Imprisonment) will not blame our Care in sending for them, or theirs in coming, or absenting themselves from being involved in such Confusions. Neither will it be any Objection, that they stay'd there long after any Tumults were, and therefore that the Tumults drove them not away. If every Day produced Orders and Resolutions as illegal as, and indeed but the Effects of the Tumults; there was no Cause to doubt the same Power would be ready to prevent any Opposition to those Orders after they were made, which had made way and preparation for the Propositions of them; and so whosoever conceived himself in Danger of future Tumults, (against which there is not the least Provision) was driven away by those which were pass'd. And his Majesty hath more Reason to wonder at those who stay behind, after all his legal Power is voted from him, and all the People told, That he might be with Modesty and Duty enough deposed, than any Man hath at those who have been willing to withdraw themselves from the place where such desperate and dangerous Positions are avowed; which his Majesty doth not mention with the least Thought of lessening the Power or Validity of any Act to which he hath given his Assent this Parliament, all and every of which he shall as inviolably observe, as he looks to have his own Rights preserved, but to shew by what Means so many strange Orders have of late been made. And to shew how earnestly his Majesty desires to be present at, and to receive Advice from both Houses of Parliament, (against whom it shall never be in the Power of a malignant Party to incense his Majesty) his Majesty again offers his Consent, that both Houses may be adjourned to another place, which may be thought convenient, where his Majesty will be present, and doubts not but the Members of either House will make a full Appearance. And even the Intermission which must attend such an Adjournment may not be the least means of recovering that Temper which is necessary for such Debates.

And this his Majesty conceives to be so very necessary, that if the Minds and Inclinations of every Member of either House were equally composed, the License is so great that the mean People about *London* and the Suburbs have taken, that both for the Liberty and Dignity of the Parliament, that Convention for a time should be in another place. And sure how much soever the Safety and Security of this Kingdom depends on Parliaments, it will never be thought that these Parliaments must of necessity be at *Westminster*. His Majesty's Confidence is no less than he hath expressed (and hath great cause to express) in the Affections of this County; an Instance of which Affections all Men know his own Guard (which is not extraordinary) to be, and wonders that such a legal Guard at his own Charge, for his Person (within twenty Miles of a Rebellion, and of an Army in Pay against him) should be objected by those, who for so many Months and in a place of known and confessed Security, have without and against Law kept a Guard for themselves, at the Charge of the Common-wealth, and upon that Stock of Money which was given for the Relief of the miserable and bleeding Condition



Condition of *Ireland*, or the Payment of the great Debt due to our Kingdom of *Scotland*.

18 *Caroli.*

For the resort of Papists to the Court, his Majesty's great Care for the prevention thereof is notoriously known; that when he was informed two or three of his intended Guard were of that Religion, he gave especial Direction, with Expressions of his Displeasure, that they should be immediately discharged, and provided that no Person should attend on him under that Relation, but such as took the Oaths of Allegiance and Supremacy; that he commanded the Sheriff to proceed with all Severity according to the Law, against all Papists that should come within five Miles of the Court; and if, notwithstanding this, there be any Papists near the Court, (which his Majesty assures you he knows not, nor hath heard, but by this Petition) he doth hereby command them to depart, and declares to all Officers and Ministers of Justice, that they shall proceed strictly against them according to the Law, as they will answer the contrary at their Perils.

For the Language and Behaviour of the Cavaliers (a Word, by what Mistake soever, it seems in much Disfavour) there hath not been the least Complaint here; and therefore it is probable the Fault was not found in this County. Neither can his Majesty imagine what is meant by the mention of any Men thrust upon them in such Consultations and Propositions as his Majesty makes to this County, who are neither by their Fortnne or Residence any part of it, and therefore can make no Answer to it.

To conclude, His Majesty assures you he hath never refused to receive any Petition, whether you have or no, your selves best know; and will consider what Reputation it will be to you of Justice or Ingenuity, to receive all Petitions, how senseless and scandalous soever of one kind, under pretence of understanding the good Peoples Minds and Affections; and not only refuse the Petitions, but punish the Petitioners of another kind, under colour that it is a Crime, that they are not satisfied with your Sense, as if you were only trusted by the People of one Opinion: To take all pains to publish and print Petitions which agree with your Wishe, though they were never presented; and to use the same Industry and Authority to keep those that were indeed presented and avowed, from being published, (tho' by our own Authority) because the Argument is not pleasant to you; to pretend Impartiality and Infallibility, and to express the greatest Passion and Affection in the Order of your Proceedings, and no less Error and Misunderstanding in your Judgments and Resolutions: He doth remember well the Obligation of his Trust, and of his Oath, and desires that you will do so too, and your own solemn Vow and Protestation, and then you will not only think it convenient, but necessary to give his Majesty a full Reparation for all the Scandals laid upon him, and all the scandalous Positions made against him, and that it is less dishonourable to retract Errors, than by avowing to confess the Malice of them; and will see this to be the surest Way for the Preservation of the Protestant Religion, the Redemption of our Brethren in *Ireland*, the Happiness and Prosperity of your selves, and of all our Dominions, and of the Dignity and Freedom of Parliaments.

### *The Petition of the County-Palatine of Lancaster, June 6, 1642.*

*Most Gracious Sovereign,*

THE most real and convincing Testimonies of your Princely Care for the Advancement of God's true Religion in your Majesty's Realms, and the common Good of all your Subjects, could no less than draw from us (who have hitherto in these stirring Times sate still) this humble Acknowledgment of our due and necessary Thanks.

We, with the inmost and choicest Thoughts of our Souls, do esteem and prize your Majesty's most righteous Intentions of governing your Liege People according to the wholesome Laws of this Kingdom, a thing so often, and with so much earnestness avowed by your sacred Majesty; whereunto we yield that hearty Credence which is due to so Religious and Righteous a Prince. We do



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do also with all Humility and Thankfulness, acknowledge your manifold and evident Manifestations to the World, that you affect not Arbitrary Government, but the common Prosperity and Happiness of all your Loyal Subjects, by your Readiness to join with your Parliament, in a speedy raising of Forces, for a timely suppressing of that odious Rebellion in *Ireland*, by your late Proclamation for the putting in due Execution the Laws against Papists; by your most gracious condescending to the Desires of your Great Council, in signing the Bills for Triennial Parliaments; for relinquishing of your Title of imposing upon Merchandize, and Power of pressing Soldiers; for the taking away of the Star-Chamber, and High-Commission Courts; for the regulating of the Council-Table; as also the Bills for the Forests and Stannary-Courts, with other most necessary Acts. Moreover, we are confident and well assured of your Majesty's Zeal for the Advancement of the true Protestant Religion, and with inexpressible Joy, do understand your most Christian and Pious Resolution, for the Preservation of those powerful Encouragements of Industry, Learning, and Piety, the Means and Honour of the Ministry, for the maintenance and continuance of our Church-Government, and solemn Liturgy of the Church, of long continued and general Approbation of the most pious and learned of this Nation, and of other Countries, composed according to the Primitive Pattern by our blessed Martyrs, and other religious and learned Men; as also your gracious Pleasure, That all Abuses of Church and State shall be reformed, according to the Model of Queen *Elizabeth's* Days, of ever blessed and famous Memory. By the one you have weakened the Hopes of the sacrilegious Devourers of the Churches Patrimonies, if there be any such; and by the other, at once provided against all Popish Impieties and Idolatries, and also against the growing Danger of Anabaptists, Brownists, and other Novelties. All which Piety, Love, and Justice, we beseech God to return into your Royal Bosom. But yet (most Gracious Sovereign) there is one thing that sadds our Hearts, and hinders the Perfection of our Happiness, which is the Distance and Misunderstanding between your Majesty and your Parliament, whereby the Hearts of your Subjects are filled with Fears and Jealousies, Justice neglected, sacred Ordinances profaned, and Trading impaired, to the Impoverishing of many of your Liege People: For the Removal whereof we cannot find any lawful Means without your Majesty's Assistance and Direction.

Wherefore we most humbly beseech your most Excellent Majesty, to continue your most Christian and Pious Resolution of Ruling your People according to the Laws of the Land, and Maintaining of the same, of being a zealous Defender of the Established Doctrine, Liturgy, and Government of our Church from Heresy, Libertinism, and Prophaneness; an Advancer of Learning, Piety, and Religion; and Encourager of painful Orthodox Preachers; and whatsoever your Parliament shall offer to your Royal View, conducing to this blessed End, the common Good and Tranquility of your Subjects, to be pleased to condescend unto, and graciously to confirm. And withal, to declare unto us some expedient Way, how we may make a dutiful Address unto your Parliament for the taking away of those Differences and Impediments which stay the happy Proceedings of that most Honourable Assembly, whereof your Majesty is the Head, (which once removed, we doubt not but you will speedily be as near your Parliament in Person as in Affection, that there may be a blessed Harmony between your Highness and that Great Council) and we shall with all Alacrity observe the same, humbly tendering our Lives and Fortunes for the Preservation of your Royal Person, Crown, and Dignity, according to our bounden Duty and Allegiance: And heartily praying for your Majesty's long and prosperous Reign over us.

*At the Court at York, June 6, 1642. His Majesty's Answer to the abovesaid Petition.*

The King's  
Answer.

“THAT he is very glad to find such real Acknowledgments of those great Graces  
“ which he hath bountifully bestowed upon this his Kingdom of England, in the  
“ time of this Parliament; and likewise it is a great Contentment to him to  
“ find so many true Sons of the Church of England, as by your Expressions  
“ in



“ in the said Petition doth plainly appear to him ; assuring you that he shall  
 “ not yield in his Zeal and Constancy for the maintenance of the true Protestant  
 “ Profession, neither to Queen *Elizabeth*, nor to his Father of ever blessed Memo-  
 “ ry, both against Popish Superstition on the one side, and Schismatical Inno-  
 “ vation and Confusion on the other. In the last place, as he doth take in  
 “ very good part your desire of a good Understanding between his Majesty  
 “ and his two Houses of Parliament : So likewise he cannot but much com-  
 “ mend the way that you take therein. And as for your Directions, if you  
 “ will but seriously consider his Majesty’s just and necessary Desires expressed  
 “ in his Answers and Declarations since his coming to *York* ; your Zeal and  
 “ Knowledge will not need more particular Instructions to make such Addresses  
 “ to both Houses of Parliament, as the times require, and befitting such loyal  
 “ and true affected Subjects to their King and Country as this Petition expres-  
 “ seth you to be.

18 *Caroli*

*The Petition of Hertford, June 7, 1642.*

*Humbly sheweth ;*

**Y**our Majesty’s most Loyal Subjects and Petitioners giving your Majesty  
 most humble Thanks for the many good Laws you have lately granted,  
 and also for you gracious Profession to maintain the Protestant Religion ; and  
 seriously considering the great Distractions and Distempers of this your King-  
 dom, and the Danger wherein it (with your own Royal Person) now  
 standeth ; as also being very sensible of the great Effusion of Blood lately  
 made betwixt your Majesty’s own Subjects, and of the great Calamities likely  
 to ensue upon this Unnatural and Civil War, unless by your Majesty’s Cle-  
 mency and Mercy it be forthwith staid ; your Subjects being in short time  
 likely to fall into great Misery and Want, as well by reason of the Decay of  
 Trading, as also by the Violence and Rapine of unruly and dissolute Multi-  
 tudes, which hope to raise themselves by the Ruin of your Majesty’s good  
 Subjects.

Petition of  
*Hertford.*

Therefore your Majesty’s Subjects and Petitioners do in all Humility address  
 themselves unto your Royal Majesty, earnestly desiring that all Hostility may  
 cease, and that some means of Accommodation and Peace may be obtained,  
 whereby God’s Honour, and the true Protestant Religion may be maintained,  
 your Majesty’s Sacred Person, Honour and Estate preserved, and your Parlia-  
 ments just Privileges, with the Laws of this your Realm, upheld and put in  
 Execution ; that so your People being freed from their Fears, and secured in  
 their Estates, may with Hand and Heart testify their Obedience both to God  
 and their King.

And your Subjects shall daily pray for your Majesty’s long and  
 happy Reign over us.

*His Majesty’s Answer to the aforesaid Petition.*

**H**IS Majesty graciously accepts the Acknowledgment of the Petitioners,  
 and is very glad, that in a County so near the Violence which hath  
 sought to oppress his Majesty, and where so great Industry hath been used to  
 corrupt his good Subjects, and to infuse into them Thoughts and Resolutions  
 of Disloyalty against him, there is yet so grateful a Sense of his Majesty’s  
 Justice, and so true a Sense of the Calamities of the Kingdom. And his  
 Majesty assures the Petitioners, that he so far concurs with them in all their  
 Requests, that they do not more desire to receive, than his Majesty doth  
 grant all they ask of him.

The King’s  
Answer.

Of the present Distractions and Distempers in which the Petitioners ex-  
 press an honest and loyal Care of the Safety of his Majesty’s Person (a  
 Thing so far from being of late regarded, that God only hath preserved  
 him from being destroyed by *the Bloody Hands of Rebels*) his Majesty  
 doubts not but the Petitioners know from what Fountain they have sprung ;  
 S f f f and



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and by the Grievances and Pressures exercised upon their own County, in which his Majesty cannot be suspected to have the least hand, so much as by Accident, will quickly discern, that when that part of the Law which should defend his Majesty, is so easily mastered and trodden down, the other part, which should secure his Subjects, will insensibly moulder away, and give them up to the same Violence; and that when they shall too inconsiderately look upon the publick Sufferings, they do but invite prosperous ill Instruments to bring the Misery home to their own Doors.

That all Hostility may cease, cease for ever, and a blessed and happy Accommodation and Peace be made; that God's Honour, and the Protestant Religion may be maintained; that the just Priviledges of Parliament, and the Laws of the Land, may be upheld and put in execution, that so his good People may be freed from their Fears, and secured in their Estates, is not, cannot be more the Wish and Prayer of the Petitioners, than it is the earnest and incessant Endeavour of his Majesty. And that when the Petitioners remember that his Majesty's Compassion of the Miseries of a Civil War, kept him so long from endeavouring to raise an Army, that he was almost swallowed up by a desperate Rebellion, and nothing but the immediate Hand of God could have supplied him with Men, Arms, or Money, for his Defence: And when they consider the strong Licence given or countenanced in the Exercise of Religion, the Scorn and Contempt the very Protestant Religion it self suffers by *Brownists, Anabaptists, and Sectaries*, who in truth have destroyed the Civil Peace too. When they look upon the strong Invasion, upon the Freedom and Privilege of Parliament, by the Violence and Faction of such Men, and see the Laws of the Land, with a loud Voice, vilified and trampled upon; they must confess, 'tis no more in his Majesty's Power to satisfy the Petitioners in their most just Desires, than to preserve his own Person, Honour and Estate, from that Fury which threatens that and all the rest; and that what the Petitioners now ask, is the only Argument of his Majesty's taking up just, necessary and defensive Arms.

But if the Petitioners shall join with his Majesty, and assist him to assist them; if they shall resolve to defend the known Laws of the Land, (as the only excellent Rule) and not to submit to any extravagant arbitrary Power whatsoever; If they shall set a true Price upon their Religion, (sealed with the Blood of so many glorious Martyrs) and on the behalf of it, protest against all the Distempers of *Brownists, Anabaptists* and *Sectaries*: If they shall help his Majesty to reduce the whole Fabrick of Church and State, according to the Model of Queen *Elizabeth's* Time, (so long and seriously proposed by his Majesty) in which the Foundations were laid of all that Happiness and Glory which the whole Nation enjoyed so many Years after; and to which his Majesty hath made so great an Addition of excellent Laws, his Majesty doubts not that any Faction shall prevail against them, but that other Counties following the Example of the Petitioners, in short time his Majesty, the Petitioners, and the whole Kingdom, will find the Accomplishment of all that is desired by this Petition.

FALKLAND.

*The Petition of certain Cornish Gentlemen, June 26. 1642.*

A Cornish  
Petition.

**W**E your Majesty's most Loyal Subjects, in all Duty render unto your Majesty all Thankfulness for your Majesty's unexempld Favour and Grace, in granting unto your Subjects, by the Concurrence with your Parliament, such Laws and Freedoms which have most fully expressed your Majesty's gracious Goodness unto your People. And we most thankfully receive your Majesty's free Offer of a General Pardon, whereof we most humbly desire to be made Partakers.

And we most humbly beseech your Majesty, never to suffer your Subjects to be governed by an Arbitrary Government, nor admit an Alteration in Religion. And your Petitioners being most feelingly grieved for your Majesty's Discontents,



tents, (partly occasioned by divers scandalous Pamphlets, and seditious Sermons, and no way lessened by unlawful Tumults) do wish a Confluence of all Comforts, Honour and Happiness unto your Majesty; and do most heartily pray for the Reconcilement between your Majesty and your Parliament.

And in all humble Thankfulness for your Majesty's said Grace and Goodness, your Petitioners do offer themselves most ready to maintain and defend, with their Lives and Fortunes, your Majesty's Sacred Person, Honour, Estate, and lawful Prerogative, against all Persons whatsoever, according to the Oaths of Supremacy and Allegiance.

## Cornub'

*John Gritts High-Sheriff.*

*Warwick Lord Mohun.*

*Sir John Trelawney Kt. & Baronet.*

*Sir William Wrey Kt. and Baronet.*

*John Arundell of Trerise Esq;*

*Charles Trevanion Esq;*

*Walter Langdon Esq;*

*Peter Courtney Esq*

*Samuel Cosworth Esq;*

*Richard Prideaux Esq;*

*John Arundell Esq;*

*Renatus Billot Esq;*

*Francis Jones Esq;*

*Robert Rous Esq;*

*Edward Trelawney Esq;*

*Nevil Bligh Esq;*

*William Bastard Esq;*

*Charles Grills Esq;*

*Nathaniel Dillon Esq;*

*William Arundell Gent.*

*William Courtney Gent.*

*Edward Courtney Gent.*

*Walter Glyn Gent.*

*Edward Cook Gent.*

*Hugh Pomeroy Esq;*

*Ambrose Billot Gent.*

*John Samuel Gent.*

*Nichol Kendall Major of Lostwythell.*

*Obadiah Ghoship Cler'*

*John Kett Cler'*

*Thomas Harrison Cler'*

*Thomas Porter Cler'*

*Simon Laun Cler'*

*John Peter Cler'*

*George Brash Cler'*

*Bernard Achim Gent.*

*Theophilus Langborne Gent.*

*William Gnanas Gent.*

*Nicholas Sawell Gent.*

*William Robinson Gent.*

*Thomas Robinson Gent.*

*Joseph Tolley Gent.*

*Thomas Trear Gent.*

The foresaid Gentlemen subscribed at *Lostwythell*, unto the Petition directed to his Majesty, together with Seven thousand more, Esquires, Gentlemen, Free-holders, and other Inhabitants which subscribed and subsigned the said Petition in their several Parishes.

*His Majesty's ANSWER.*

**H**IS Majesty is so very well pleased with the Duty and Affection of this Petition, that he hath commanded me to signify his good Acceptance of it, and thanks for it to the County of *Cornwal*; and to assure them, That as he will be always ready to increase the Happiness of his People, by consenting to such new good Laws as shall be proposed to Him for their Advantage; so he will be forward to venture his Life in maintenance of the Religion and Laws established, which he doubts not, with the Assistance of the Petitioners, and other his good Subjects, he shall be able to defend. His Majesty will be ready to grant such a General Pardon to the Petitioners as they desire, and will no longer expect the continuance of their Duty and Affection, than Himself continues true to those Professions he hath so often made of maintaining and defending the Religion and Laws of this Kingdom.

FALKLAND.



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*The Petition of the Counties of Cumberland and Westmoreland  
to his Majesty.*

*Most Gracious Sovereign,*

June 5, 1642.  
Petition of  
Cumberland  
and Westmor-  
land.

**W**E acknowledge, with all possible Retribution of Gratitude, your Majesty Princely Favour, in yielding your Royal Assent to such Bills as have passed since the beginning of this present Parliament: As also for your Gracious Declaration to continue the same, as Occasion required, for remedying the Evils and Perils incident to Church and State, and for your firm Resolution, that the Laws of the Land should be the Rule of your Government. But more particularly endeared to our Memories is that Royal Sense your Majesty expressed of our dangerous Condition, and impendent Fears, when we stood ingaged as part of the Pledge to the Scottish-Army; and your personal Recommendation thereof to the speedy Consideration of both your Houses of Parliament. The former Benefits we hold, as the Fruit of your general Care equally extending to all, by this you suffered your Royal Nature to be tendred with a Compassion more nearly regarding us; for which Grace, we conceive our selves tied in a more singular and strait Obligation, than the most of your other Subjects are, in which respect our just Fears might have presented us too remiss in performance of this Duty, after so many had gone before us, but that our Paucity, and the Inconsiderableness of these Counties, for Quantity and Quality, withheld us thus long, until the two visible Distempers of the Times justified out such Fears, as now unseasonable. Our own Sense is our Assurance of your gracious Government. We see and acquiesce in this Truth, That your Majesty's Profession of the true Protestant Religion, and the Exercise of it, go together; nor can we take up any more effectual Ground for a belief of Sincerity. All our Happiness, and that of all your Dominions would be compleat, and what were wanting, we were in the way for, if a right Understanding were renewed between your Majesty and Great Council.

It is therefore our humble Desire, That your Majesty would still be pleased, in your Wisdom, to recollect, and in your Goodness to embrace all good Means that may tend to this happy Union, whereby we may keep the true Enjoyment of the long Labours of your Majesty and Great Council: For the effecting whereof, we shall redouble our Petition, that some Place may be thought on, which may be free from Exception both of Danger and Distrust, and then we doubt not, but by God's Almighty Power, such Ways and Means might happily be propounded, as may reconcile all Differences and Mistakings, and your Majesty have full Satisfaction in your Demands.

And we (as we are bound) shall be ready, according to our Power, with our Lives and Fortunes, to defend your Majesty's Person, Honour, Crown and Dignity, the Religion and Laws established, against all Maligners of your Majesty's Royal Prerogative, and the Peace and Prosperity of this Kingdom.

Hereunto were annexed the Names of 4774 of the Knights, Gentlemen, &c.

**The KING's ANSWER.**

*At the Court at York, July the 5th, 1642.*

**H**IS Majesty hath commanded me to give this express Answer to this Petition.

That his Majesty is very well pleased with the Duty and Affection of this Petition, and hath commanded me to signify his good Acceptance of it, and Thanks for it to the Petitioners, and to assure them, That if some others had had the same Sense of, and Gratitude for his Justice and Favour towards them, in the yielding of his Royal Assent to so many good Bills as the Petitioners have,



‘ have, and given as good Credit to his Professions and Proteſtations, for the  
 ‘ Defence of the Religion and Laws eſtabliſhed, as the Petitioners give, and  
 ‘ been as ready to recollect and embrace all good Means that might tend to a  
 ‘ happy Union, and renew a right Underſtanding between his Maſteſty and  
 ‘ his Parliament ; as his Maſteſty hath been, is, and ever ſhall be. This (by  
 ‘ the Help of God) had been by this Time a moſt ſecure, united, and happy  
 ‘ Kingdom, free from all the preſent Jealouſies, Diſtractions, and Dangers.

‘ And as his Maſteſty conſents with the Petitioners in a moſt earneſt Deſire  
 ‘ that ſuch a Way may be diſcovered and purſued, which might reconcile all  
 ‘ Differences and Miſtakings, and by which he may have full Satisfaction in  
 ‘ his juſt Demands ; ſo he likewiſe conſents with them, that the Choice of ſome  
 ‘ Place, free from Exception, both of Danger and Diſtruſt, would be the  
 ‘ moſt probable, and indeed a certain Means to attain that End, which out  
 ‘ of his great Affection to Juſtice and Peace, and his Care of the Freedom  
 ‘ (which is the principal Privilege) of Parliament, his Maſteſty hath often inti-  
 ‘ mated, and of late ſeriously recommended to both Houſes, but not only  
 ‘ without Succeſs, but without Answer.

‘ His Maſteſty doth likewiſe aſſure the Petitioners, that he will no longer ex-  
 ‘ pect that they ſhould make good their Professions of being ready, according  
 ‘ to their Power, with their Lives and Fortunes, to defend his Perſon, Ho-  
 ‘ nour, Crown, and Dignity, than he ſhall be ready, according to his Power,  
 ‘ with his Life and Fortune, to defend the Religion and Laws eſtabliſhed,  
 ‘ againſt all Maligners of the Peace and Proſperity of the Kingdom.

## F A L K L A N D.

*Petition of Holderneſs, July 6, 1642.*

**W**E your Maſteſty's Loyal and Oppreſſed Subjects, having for the Space  
 of four Months (with much patience and prejudice) endured great  
 and inſupportable Loſs by Sir *John Hoſham's* taking into *Hull* (a diſtinct County  
 from us) part of the Trained-Bands of *Yorkſhire*, contrary to Law, your Sa-  
 cred Maſteſty's Right, and expreſs Command, by detaining our Arms, deſtroy-  
 ing our Trade and Markets, with many more Preſſures upon us than we are  
 willing to repeat. Howbeit, this laſt Attempt of cutting our Banks, drown-  
 ing part, and endangering the reſt of the Level of *Holderneſs*, is a Preſump-  
 tion higher than was ever yet attempted by any Subject to our Knowledges ;  
 as if Sir *John Hoſham* at once intended to deſtroy our Free-holds and Proprie-  
 ties, and for no other Cauſe, as we conceive, but for ſerving your Maſteſty  
 according to our Allegiance, and the known Laws of the Land.

Our moſt humble Prayer therefore is, That your Maſteſty will vouchſafe  
 ſpeedily to take the Premiſſes into your gracious and tender Conſideration for  
 ſecuring our Fears.

And your Maſteſty's Petitioners, as in Duty bound, ſhall ever pray for your  
 happy and glorious Reign over us.

*His Maſteſty's Answer.*

**T**HAT he, with juſt Conſideration, and all poſſible Compaſſion,  
 ‘ conſiders the miſerable Condition of the Petitioners, and will, both  
 ‘ by publiſhing his Proclamations, and by drawing ſuch Forces together as he  
 ‘ ſhall be able to levy, endeavour the Petitioners Relief in their preſent Suf-  
 ‘ ferings, and prevention of their future, with any Hazard that may befall his  
 ‘ own Perſon. In the mean time his Maſteſty hopes all his good Subjects do  
 ‘ plainly diſcern how impoſſible it is for their Interests to be preſerved, when  
 ‘ his juſt Rights and Power are taken from him.

## F A L K L A N D.

*Petition*

18 Caroli.

*Petition of  
 Holderneſs  
 complaining  
 of Sir John  
 Hoſham.*



An. 1642.

## Petition of Kent, August 1, 1642.

*Most Gracious Sovereign,*Petition from  
Kent.

**W**E do with all Thankfulness acknowledge your great Care and Favour towards us, and the whole Kingdom, in passing many good Laws for the Benefit of your Subjects, in promising to ease us of all our Grievances, and graciously inviting us by your Letter directed to the Judge of our Assize, full of Love and Care for your Peoples Good, to petition for Redress of them, promising a gracious Answer. And we should with all Humility have presented them to your Majesty at this Time, did not the present great Distractions, and Apprehensions of a Civil War (which we earnestly pray to God to divert) put us beyond all thought of other Grievances. For Prevention whereof, we have with all Loyalty of Heart to your Sacred Majesty, with all Love and Faithfulness to our County, presented our humble Advice in certain Instructions to one of our Knights of the Shire, now here present with a Committee from the House of Commons, to be presented by him to that Honourable House.

Most humbly desiring your most Excellent Majesty, that if it shall please the Houses of Parliament to satisfy your Majesty's just Desires in these Particulars, That then your Majesty would be graciously pleased to lay down your extraordinary Guards, and cheerfully meet your Parliament in such a Place where your Sacred Majesty, and each Member of both Houses, may be free from Tumultuary Assemblies.

And, as in all Duty bound, we shall daily pray for your Majesty's long Life, and prosperous Reign over us.

*The King's Answer.*

**H**IS Majesty hath, with great Satisfaction in the Loyalty and Affection of the Petitioners, considered this Petition, with the Instructions annexed to their Knight of the Shire, and hath expressly commanded me to return this his Answer in these Words:

‘ That the Petitioners are not more eased and satisfied with the good Laws his Majesty hath passed, than his Majesty himself is pleased with that Way of obliging his Subjects; neither hath he ever made the least Promise or Profession of Repairing or Redressing the Grievances of his People, which he hath not been, and will be always ready to perform.

‘ His Majesty cannot blame the Petitioners to be apprehensive of a Civil War, since the present Distractions (grounded upon no visible Cause, to which his Majesty could, nor can yet apply a Remedy) threaten no less Confusion. But his Majesty doubts not that the Petitioners, and all his good Subjects, do well understand, That his Majesty hath left no Way unattempted, which in Honour or Wisdom could be consented to, to prevent that Confusion.

‘ That after so many Injuries and Indignities offered to him, so many Combinations and Conspiracies against him, he departed so much from his own Majesty, and the Justice due to him, that he required no other Reparation, than to have his Town, Goods, and Navy (taken and kept by Violence from, and against him) to be restored to him; the Power of making Laws without him, by the way of Ordinances (and in that particular concerning the *Militia*) to be disavowed: And that a safe Place may be agreed on, where he might be present with his Great Council, for the composing all Misunderstandings, and making the Kingdom happy.

‘ That before any Answer returned to his Majesty (whilst with all Patience and Hope his Majesty forbore any Action or Attempt of Force according to Promise) Sir *John Hotham* issued out of *Hull* in the Night, burned the Houses.

and



and murdered the Persons of his fellow Subjects, (though he knew his Majesty quietly expected an Answer to his reasonable and necessary Demands) and hath since exercised most barbarous Cruelty upon a Drummer then taken Prisoner by him.

That those Propositions made by his Majesty, and mentioned by the Petitioners in their Instructions, are dissented from, and his Majesty not suffered to enjoy what is as unquestionably his own, as any thing his Subjects can call most theirs, upon pretence there is some Trust of Foot to dispossess his Majesty of them; whether any such Trust be derived from the Petitioners, themselves best know.

That a General is made to command his Soldiers against him, and Forces already marching with Cannon towards him, under the Conduct of the Lord *Brook*, whilst all Labour and Endeavour is used to cut off all Succour and Supply from his Majesty, as from a Foreign Enemy.

When the Petitioners, and all other his Majesty's Subjects have weighed this, and considered that these strange unheard of Proceedings must be the Effect of desperate Resolutions, and that all this Calamity is brought upon this Nation, to wrest from his Majesty his just Rights, when no sober Man can see the want of any thing which is in his Majesty's Power to grant, and necessary for the Peace and full Happiness of the Kingdom.

That when all Encouragement is given, Scandals raised, and Provocations used to incense the People against his Majesty, and to publish Petitions and Declarations against the known Laws and established Government; the Petitioners, and all other his Majesty's good Subjects (who out of a true Sense of the Distractions and Ruin the Common-wealth must speedily fall into thro' these Distempers, have prepared sober and moderate Petitions and Animadversions for the Peace of the Kingdom) have been discountenanced, censured and imprisoned in a lawless arbitrary Way, when no Offence hath been committed by them, of which the Law hath taken Notice. That all their Rights, Interests, and Privileges which they were born to by the good known Laws, are taken from them, or subjected to an unintelligible arbitrary Power and Resolution, which destroys their Confidence and Assurance even in Innocency it self. They will think it time to provide for their own Security; by assisting his Majesty for the Defence of his Person, Preservation of the true Protestant Religion, and Maintenance of the Law of the Land, and Liberty of the Subject; of the which, as the Petitioners Care is very eminent, and deserves all Protection, Thanks and Estimation from his Majesty, so his Majesty will venture his Life and his Crown with them in that Quarrel.

Lastly, Lest any of the Petitioners may unjustly suffer for making, or presenting this humble, dutiful, and modest Petition to his Majesty, his Majesty declares that he will with his utmost Power and Assistance protect and defend them against any Power whatsoever, which shall question them for so doing; and to that purpose adviseth them, that they are not obliged to yield Obedience to any Pursevants, Serjeants, or Messengers, who shall endeavour to molest them for doing their Duty, and discharging their Consciences therein. And that the whole County of *Kent* may know his Majesty's gracious Acceptance of this Expression of their Duty and Affection unto him, it is his Majesty's Pleasure, that this his Answer, together with the Petition and Instructions, be read in all Churches and Chappels of that County.

F A L K L A N D.

*Petition of Flint, August 4, 1642.*

*Sheweth,*

THAT your Petitioners do with all due Submission, Thankfulness, and Joy of Heart acknowledge the Happiness they have enjoyed, of a long Peace under your gracious Government, and your Goodness in yielding to a ready Redress of such Grievances as have grown in that Time of Ease and Security, and in enacting such Laws in this Parliament as your Petitioners hope will prevent the like for the future.

They

Aug. 4, 1642.  
Petition of  
Flint.



An. 1642.

They are further tenderly apprehensive of your Majesty's transcendent Goodness, in your free condescending to give your People so full and clear an Account of your Actions and Intentions, and rest thoroughly perswaded of the Sincerity and Constancy of your Majesty's Resolution to maintain the true Protestant Religion in its primitive Purity, the Laws of the Land in their genuine Sense, the just Privileges, Freedom, and Frequency of Parliaments, with the Propriety and Liberty of the Subject thereupon depending, and your Majesty's Willingness to join with your Great Council, in granting or enacting any other good Laws, that may be for the Publick-weal of your People; who as they have ever flourished and been most happy and secure in all Acts and Ordinances passed by the three Estates, and most peaceably governed, under the known Laws of the Land.

So it is the humble Prayer of us, your Majesty's most Loyal Subjects, (prostrating at your Majesty's Feet our Persons and Estates) for Protection (according to your Oath) from those Dangers we should be driven into, by being bound by any Rule, Order, or Ordinance, whereunto your Majesty, together with both Houses of Parliament, shall not assent.

We also farther supplicate your Majesty, so to maintain us in that ancient and necessary Privilege, as not to suffer us to be governed, but by the known and established Laws of the Land.

And your Petitioners, as in Duty bound, and as by the Oaths of Allegiance and Supremacy they conceive themselves bound, shall not only pray for the preservation of your Majesty's Sacred Person, Honour, Estate, and lawful Prerogative, but shall be always ready to hazard their Lives and Fortunes for the Maintenance and Defence of the same, against all Powers and Persons whatsoever.

*The King's Answer.*

**H**IS Majesty hath commanded me to return this Answer to this Petition, That his Majesty is much pleased with the Duty and Affection expressed by the Petitioners, and with so evident a Testimony, that the Grievances he hath redressed, the Laws he hath passed, and the Declarations he hath made, have produced the Effects for which they were intended, the Satisfaction, Gratitude, and Confidence of his good Subjects, which he doubts not, but the whole Course of his Government will daily increase. That his Majesty is no less pleased to see them so sensible of what hath, and ever will best preserve their Happiness and Security; and that therefore they desire only to be governed by that Rule, which he is resolved only to govern by, the known and established Laws of the Land, assuring them, That according to his Oath, he will always protect them from the Invasion of any other assumed Arbitrary Power whatsoever, as long as he shall be able to protect himself; being resolved of nothing more, than to stand and fall together with the Law. And that he will not expect they should be any longer ready to express their Duties to him by the Hazard of themselves and Fortunes for the preservation of his Person, Honour, Estate, and lawful Prerogative, against all powers and persons whatsoever, than his Majesty shall ever be mutually ready to discharge his Duty towards them by the Hazard of Himself and Fortune for the preservation and defence of the Religion and Laws established, of the just Privileges and Freedom of Parliament, and of the Liberty and Propriety of his Subjects, against whomsoever shall endeavour either to destroy or oppose them.

F A L K L A N D.

*His*



*His Majesty's Speech to the Gentlemen of Yorkshire, on Thursday  
the 4th of August.*

Gentlemen,

“ **W**hen I directed that Summons should be sent out for your meeting  
“ here this Day, my principal end was, That I might give you Thanks  
“ for the great Forwardness and Expressions you have made of your Affections  
“ to me since I came into this Country, and to assure you, That as the whole  
“ Kingdom hath great Reason to value you exceedingly for it, so I shall be  
“ very unsatisfied with my self, till I have found some way to fix a Mark of  
“ Favour and Estimation upon this County, and this People, which may tell  
“ Posterity how good Subjects you have been, and how much Gentlemen; and  
“ I am confident the Memory of it will grow up with my Sons too, in a just  
“ Acknowledgment. This was the most I intended to say to you; but there is  
“ an unquiet Spirit abroad, which every day throws in new Accidents to disturb  
“ and confound the publick Peace. How I was driven from *London*, when I  
“ chose this Place for my Safety, is so notorious, that all Men know it who  
“ know any thing. With what strange Violence and Indignities I have been  
“ pursued since I came hither, needs no other Evidence than Sir *John Hotham's*  
“ Behaviour at *Hull*, who is now arrived to that Insolence, that he will not  
“ suffer his Treason to be longer confined within those Walls, but makes Sallies  
“ out of the Town upon his Fellow Subjects, drowns their Lands, burns and  
“ plunders their Houses, murders, with unheard-of Cruelty and Torments, their  
“ Persons; and this with so much Delight, that he would not have the Patience  
“ to wait what Answer should be sent to my just Demands, though in that  
“ respect I engaged my self to forbear to use any Force, and kept my Word,  
“ but chose the night before that came (as if he well knew what Answer I was  
“ to receive) to act those Outrages.

“ You see the sad Effects of Fears and Jealousies, the Miseries they have pro-  
“ duced; no Man can tell you the least Good they have brought forth, or the  
“ least Evil they have prevented; what Inconvenience and Burden my Pre-  
“ sence hath been here, what Disturbance it hath brought upon the Publick,  
“ or Grievance upon any private Person, your selves are best Judges. And  
“ whatsoever Scandal some Men have pleased to cast upon the Cavaliers,  
“ (which they intend should reach all my Retinue, and by Degrees shall in-  
“ volve all Gentlemen) I am confident, there hath not been any eminent Dis-  
“ order or Damage befallen any Man by any Person of my Train, or under  
“ my Protection.

“ I am sure my Directions have been very strict in that Point, and if they  
“ had not been observed, I think I should have heard of it by nearer Com-  
“ plaints, than from *London*: I pray God the same Care may be taken there. I  
“ am sure it hath not been. And to give you the fullest Testimony of my  
“ Affection to you, and to the Peace of this County, and to shew you that  
“ no Provocation shall provoke me to make this place to be the Seat of the  
“ War; I have for your sakes passed over the Considerations of Honour, and  
“ notwithstanding the Reproaches every day laid on me, laid no Siege to that  
“ place, that they may not have the least Pretence of doing you Mischief; but  
“ resolve by God's Help, to recover *Hull* some other way; for that I will ever  
“ sit down under so bold and unexcusable a Treason, no honest Man can imagine;  
“ but it seems other Men are not of my Mind, but resolve to make a War at  
“ your own Doors, whatsoever you do, or I suffer; to what Purpose else is  
“ their new General armed with an Authority to kill and destroy all my good  
“ Subjects; their Levies of Horse and Foot, some whereof are upon their  
“ March towards you, with Cannon mounted; and the sending so many new  
“ Soldiers into *Hull*, when there is no Approach made towards it, but to  
“ sally out and to commit Rapine, and by Degrees to pour out an Army upon  
“ upon you. In this I must ask your Advice, What you would do for your selves?  
“ and what you would have me do for you? You see how I am stripp'd of  
“ my Navy at Sea, which is employed against me, of my Forts and Towns at  
“ Land,

Aug. 4. 1642.  
The King's  
Speech to the  
Yorkshire Gen-  
tlemen.



An. 1642.

“ Land, which are filled with armed Men to destroy me, my Money and  
 “ Provisions of my House taken from me, all my Subjects forbid and threat-  
 “ ned if they come near me, that I may by Famine or Solitariness be compelled  
 “ to yield to the most dishonourable Propositions, and to put my self and  
 “ Children into the Hands of a few malignant Persons, who have entered into  
 “ a Combination to destroy us; And all this done under pretence of a Trust  
 “ reposed by the People. How far you are from committing any such Trust,  
 “ most of the Persons trusted by you, and your Expressions of Duty to me  
 “ hath manifested to all the World; and how far the whole Kingdom is from  
 “ avowing such a Trust, hath already in a great measure, and I doubt not will  
 “ more every day appear by the Professions of every County: For I am wholly  
 “ cast upon the Affections of my People, and have no Hope but in the Blessing  
 “ and Assistance of God, the Justness of my Cause, and the Love of my  
 “ Subjects, to recover what is taken from me and them; for I may justly say,  
 “ they are equal Losers with me.

“ Gentlemen, I desire you to consider what Course is to be taken for your  
 “ own Security from the Excursions from *Hull*, and the Violence which threatens  
 “ you from thence; I will assist you any way you propose. Next, I desire you  
 “ out of the publick Provision, or your private Store, to furnish me with such  
 “ a number of Arms (Musquets and Corsets) as you may conveniently spare,  
 “ which I do promise to see fully repay'd to you. These Arms I desire may  
 “ be speedily delivered to the Custody of my Lord-Mayor of *York*, for my  
 “ Use, principally from those Parts, which by reason of their Distance from  
 “ *Hull*, are least subject to the Fear of Violence from thence. And whosoever  
 “ shall so furnish me, shall be excused from their Attendance and Service at  
 “ Musters, till their Arms shall be restored, which may well be sooner than I  
 “ can promise, or you expect. I desire nothing of you but what is necessary  
 “ to be done for the Preservation of God's true Religion, the Laws of the  
 “ Land, the Liberty of the Subject, and the very Being of this Kingdom of  
 “ *England*; for 'tis too evident all these are at Stake.

“ For the compleating my Son's Regiment for the Guard of my Person,  
 “ under the Command of my Lord of *Cumberland*, I refer it wholly to your  
 “ selves, who have expressed such Forwardness in it.

*The Presentment of the Grand Jury now assembled at York,  
 August, 1642.*

*Humbly sheweth,*

**T**Hat having taken into Consideration your Majesty's gracious Expressions to  
 us, and our whole Country, in your Speech of the 4th of this Instant *Aug-*  
*ust*, whereby you are pleased to declare your desire to afford us your Assistance  
 for the necessary Defence of this County, in these Times of imminent Danger,  
 in such manner as we for our own Defence should propose, and to find some way  
 to fix a Mark of Favour and Estimation upon us: We having taken the same into  
 our Thoughts, have unanimously concluded upon the Propositions hereto an-  
 nexed, which we presume humbly to present to your Royal Consideration.  
 And forasmuch as we find that the Sum of 8690 *l. 2 s. 6 d.* is necessary for our  
 present Defence, we most humbly beseech your Majesty, out of your Princely  
 Wisdom, to direct some such Course, whereby the same may be speedily pro-  
 vided, and for that (in respect of your Majesty's speedy Departure out of these  
 Parts) such emergent Occasions may happen as will admit of no Delay; We  
 likewise beseech your Majesty, That the same Supplies, and all Warrants and  
 Commissions mentioned in our Propositions to be necessary for the Service, may  
 be issued out with all Expedition.

We the Inhabitants of the County of *York*, conceiving it necessary to shew the  
 Reasons of our Resolutions, for the putting our Selves and Country into a posture  
 of Defence, under his Majesty's gracious Protection, to declare, That our Suf-  
 ferings in the late pillaged Souldiery, and in the late publick Charges, might  
 give us good Reason to expect better, than to have heavier Burdens imposed upon  
 us. The Town of *Hull*, the chief Port of our Trading, under Garison, to the  
 distraction



distraction of our Traffick, his Majesty dispossessed of his Magazine there; many hostile Acts committed, even to the effusion of Blood; and to add to our Miseries, the Head forced from the Body by Tumults; and many Members of both Houses, (Persons of real Fortunes, and known Integrity) have withdrawn themselves, conceiving many things to be done against the Freedom of Parliaments, and all subject to contrary Commands, tending to Arbitrary Government, and destructive to Monarchy. In redress whereof, we have humbly expressed our Grievances to both Houses of Parliament, by Messengers of Quality, one whereof is imprisoned.

This being our Condition, we are forced to resort to his Majesty, for such natural Ways as conduce to the Preservation of our Selves, Wives, Children and Fortunes. Our Thoughts tend no farther, than to the Defence of the true professed Protestant Religion, in opposition to Popery and Schismatical Innovations, our known Laws, his Majesty's Rights and due Prerogatives, against all unlawful Votes and Ordinances, though under colour of Religion, or any other Pretence, how specious soever; the just Privileges of Parliaments, the Rights, Liberties and Properties of the Subject: And this we declare to all the World, being confident of your Majesty's gracious Protection of us in these our just and necessary Resolutions.

1. It is held fit by the Committee, that upon the 24th of this Instant, there be an exact Muster of all the Horse of the Trained-Bands at *York*, at the Manor, by Ten of the Clock in the Morning; and that the Defaulters be severely proceeded against; and to this purpose a Commission is to issue out instantly to the Officers, and Warrants to be directed to the Chief Constables to Summon accordingly: And it is to be inserted in the Warrant, That this Meeting is to be for the Defence, Peace, and Quiet of this County.

2. It is likewise resolved, That the Persons charged with the Trained-Horse, shall be desired to maintain their Men and Horse for one Month, from the 24th of this Instant.

3. That his Majesty may be humbly desired to appoint Sir *Thomas Glemham* Lieutenant-Collonel, *Henry Watty* and Captain *Winn* to attend the Service of this County.

4. That a Commission of Oyer and Terminer, and Goal-Delivery, be settled at *York*, to be directed to all the Commissioners of Array, and Sir *William Bell*, Sir *William Dalton*, Sir *William Wentworth*, and Sir *Thomas Harrison* to be of the Quorum, with the rest of the Quorum in the Commission of Array.

5. That such a Power be given to the Earl of *Cumberland*, as his Majesty shall hold fit for his Honour, and our Security; and that the Earl of *Cumberland* may continue his Troop here to attend him, during such time as it shall be necessary to employ them here.

6. That his Majesty would be pleased to leave here such Field-Pieces as his Occasions can spare, with necessary Provision, and Cannoneers; and that such Ammunition be restored to the County, as hath been taken out of the Magazine for his Majesty's Use; as also the Arms of the Trained-Bands of the County, who were lately brought to *York*.

7. That the Earl of *Cumberland* shall receive the Magazine of the County from the Sheriff, as he may be charged with it.

8. That his Majesty may be humbly moved to give the Wardship of such Gentlemens Sons, and others, as shall die in his Service, or in Defence of the County.

9. That his Majesty may be pleased, upon the setting up of his Royal Standard, to dispense with the Appearance of such Persons of this County, as either assist his Majesty in his Wars, or contribute to the Defence of this County.

10. It's ordered, that upon the 25th of this Month, all the Gentry of this County, cause the Number of Corsets desired by his Majesty, to be brought in altogether, those of the West-riding to *Doncaster*, and those of the East and North-riding to *York*.

11. It's agreed, that to morrow Morning three Gentlemen in every Division shall be appointed to bring in the Names of such of this County as shall be thought fit to bring in Horse, or to contribute to the Number of the 500 to be raised in this County.



An. 1642.

*His Majesty's Answer to the said Articles propounded by the Grand-Jury, and the Declaration delivered by them.*

The King's  
Answer to  
the said Arti-  
cles.

**H**IS Majesty very well approveth of the first and second Articles, and hath already given Order for the third and fourth Articles, as is desired.

The Earl of *Cumberland's* Commission is already granted as is desired; and as for the Troop, his Majesty is contented it shall stay here, as is desired; but expects that the rest of those Troops be hastened to his Majesty with all Expedition, and that that which stayed, shall countenance and protect his Magazine going from hence; and in case, in his Absence, any more Ammunition come from *Holland*, that they, together with the Trained-Bands, should secure it to the Edge of *Yorkshire* towards *Nottingham*. His Majesty hath so few Field-Pieces, that he cannot promise he will leave them any, but hath given Orders to his Officers of the Artillery, to restore so much of the munition of the County as he hath made use of.

His Majesty doth promise freely, to give the Wardships of all their Sons, who shall be killed in his Majesty's Service, or in Defence of the County.

His Majesty fully consents to the 9th and 10th Articles. His Majesty withal declares himself to receive great Satisfaction from the Affections, Carriage and Loyalty of this County, and doth promise them, that since they are resolved upon so strong and so evident Inducements, to take care of his Majesty and their own Preservation, and neither to desert him, nor themselves, that he will be as careful of their Safety as they have been; and will either protect, (which by God's Grace he doubts not) or perish with them.

*The Declaration and Protestation of the Gentry and Free-holders of the County of York, August 29, 1642. against the late recited Presentment,*

**W**E the Gentry, Freeholders, and others of the County of *York*, whose Names are hereunto subscribed, being none or very few of us present, and none of us consenting to the late Assembly and Consultations at *York*; wherein Propositions have been made for the raising of Forces of Horse and Foot in this County; the levying of Monies for the Maintenance of them, and taking away the Arms of some peaceable Subjects; nor any at all of us consenting to the lawless and unprecedented Presentment of the Grand Juries at the last Assizes held for this County, being framed to give more strength and colour to part of those Propositions. The said Propositions and Presentments being contrary (as we conceive) to the Laws of the Land, and tending to the introducing of an Arbitrary Government, the taking away the Propriety of every Subject in his Estate, the Liberty of his Person, and the most necessary Use and Privilege of Parliament; and, which is the worst of all Evils, to beget a War in the Bowels of this County. We thinking ourselves, and all the rest of the Subjects of this County, to be so highly concerned in the Proceedings afore-mentioned (as without great disadvantage to us all, we may not be silent therein) do make this our Protestation and Declaration before God and the World, That as our Actions have hitherto been altogether peaceable; so our Desire, Intentions and Resolutions are altogether pacifical, and that all our Endeavours and Labours shall only tend to the Settlement and Continuance of the Peace according to the Laws of the Land, and to the uniting of the Factions, and taking away the Distractions that have most unhappily broken the general Unity of the Inhabitants of this County; and that nothing can be more dangerous and destructive thereunto, than the raising and continuing together in a Body such Forces of Horse and Foot in this County, as have been propounded and advised as aforesaid, without Consent and Authority of Parliament: We conceiving the advising thereof to proceed from some destructive Counsels, the end whereof is to embroil this Kingdom

in



in such a Deluge of War, as hath already (though under other pretences) swallowed up the Protestant Religion, the Peace and prosperous Condition of the Kingdom of Ireland.

18 Can.

And seeing his *Sacred Majesty* hath often declared to us, That the Laws of the Land shall be the Rule of his Government; and that he expects it shall be the measure of our Subjection, we cannot conceive that any of these Proceedings so grievous to the Subject are consented unto, or warranted by his Gracious Majesty.

And therefore we further declare, That we will not consent, nor as much as in us lies, suffer that any such Forces, either Horse or Foot, be raised of the Train'd-Bands of this County; nor that Monies be levied for the maintaining thereof, nor that the Arms of any Subjects (other than Popish Recusants) be taken from them, nor will we consent or suffer, in as much as in us lyeth, that any War or Hostility be acted in this County; nor any Foreign Force brought in upon us. And if any such Attempts shall be offered or made, we will endeavour to resist and suppress them, and to keep the Peace of the County entire, so far as the ancient known Laws of the Land, and the late Declarations and Orders of Parliament made upon this emergent Occasion, shall enable us therein. And we likewise declare, That we shall be most ready and willing upon general Summons given at *York*, or any other convenient place to be appointed, to meet the rest of the Gentry, and other considerable Inhabitants of the County, to advise of such Matters as may endanger the Violation of the Peace, and may conduce to the prevention thereof, and the uniting of the whole County in an amicable Resolution to oppose all such unlawful Pressures, so as such Assembly of the County may be with Freedom of every Man's Person and Vote, and not over-aw'd by any Forces of Horse and Foot laid together in a place where they may command the Assembly.

In which Assembly or Consultation we declare, That it is not our Intention to decline the provident Care of the Parliament in placing a Garrison for the present at *Hull*, to prevent the Surprizal of that important Place, either by Foreign Forces, or such native Plots and Conspiracies as are to the Life represented to us in that most deplorable Kingdom of *Ireland*, which by the bloody Counsels, and the Rebellions of the Papists, is in a manner brought to utter Desolation. And we desire that this our Declaration and Protestation may be published in all the Parish-Churches and Markets of this County, to the end that all Men may take notice of our legal and peaceable Resolution. Dated the 29th of *August*, 1642.

## Subscribed by

Fer. Fairfax,

Jo. Savile,

Ch. Fairfax,

Jo. Farrer,

Jo. Copley,

Jo. Farrer,

Tho. St. Nicholas,

Jo. Bright,

Tho. Westby,

Tho. Fairfax,

William Ingleby,

Tho. Stockdale,

William Lister,

Tho. Maleverer,

Jo. Maleverer,

Tho. Lister,

William White,

Rich. Hawksworth, and many others.

*A Letter from the Speaker of the House of Commons, to the Gentry, &c. of the County of York, in Answer to their Protestation.*

My Lords and Gentlemen,

I Am commanded by the House to let you know, that it is a very great Satisfaction and Contentment to this House to find the Affections and Resolutions of your County, so worthily and seasonably expressed, and with so much Wisdom, as they have observed in this your Protestation now presented unto them; upon which this House doth set a much higher Rate and Value in

Mr. Speaker's Letter touching the said Protestation, Septemb. the 7th, 1642.



An. 1642.

in respect of the many subtle Practices of the malignant Party in your County, both to disquiet the Peace of the whole Kingdom, and to oppose the just Proceedings of this House, and to beget, if it had been possible, a contrary Opinion of you, from which you have now so fully vindicated your selves, and the most considerable part of that County.

Nor can we but observe, That at this Time, when the Protestant Religion and Fundamental Laws of the Kingdom, and Liberty of the Subjects are so much invaded, as appeareth by that unheard of prevalency of wicked Counsel, which hath arrived to that heighth as to procure Houses of Parliament to be proclaimed Traytors, (a thing never before attempted, no not in the worst Times) you do with so much Zeal and Courage offer your selves to support your King, your Religion, and Liberty: All which will be preserved by your faithful Adherence to the Parliament.

And besides all these, the House cannot but take Notice of your Wisdom and Fidelity in expressing your Detestation of those lawless Consultations and Resolutions at the last Assizes at *York*, where Propositions were made for raising Forces both of Horse and Foot in that County, the levying of Money for the maintenance of them, together with the taking away the Arms of the peaceable and best-affected Subjects; all which was endeavoured to be strengthened by the bold and illegal Attempts of the Grand-Jury, who at that time did lay aside all Precedents of Love and Justice in such Presentments as were at that time by them made, which Matter this House will in due time take into serious Consideration.

For your Resolution to withstand all these so illegal Proceedings, the House hath commanded me to return you their most hearty Thanks, and to let you know, that this House doth esteem your Affections herein as the most lively Demonstrations of your Loyalty to his most Sacred Majesty, and infallible Symptoms of your Fidelity, as the only means to preserve the Felicity of the *English* Nation.

Lastly, This House hath commanded me to let you know, that they do assent to your Desire of publishing this your Protestation in all Parish-Churches, Markets, and Fairs within the County, the same being, as they conceive, a matter so much tending to the preservation of the Peace, not only within your County, but likewise within the several parts of the whole Kingdom. And thus I bid you heartily farewell, and rest,

Your loving Friend,

Dated *Septemb. 7, 1642.*

*W. Lenthall.*

Supercribed,

To the Right Honourable *Ferdinando* Lord *Fairfax*, Sir *Thomas Fairfax*, Knt. *Charles Fairfax*, Esq; Sir *Thomas Malevorer*, Knt. and Baronet, Sir *Edward Rhodes*, Knt. Sir *John Savile*, Knt. Mr. *Stockdale*, and *John Farrer*, Esqrs; and to the rest of the Gentry, Freeholders, and Inhabitants of the County of *York*, that subscribed the late Protestation sent up to the House of Commons.

*A Letter from a Committee of both Houses at Westminster into Yorkshire, touching the Lord Fairfax's being Commander in Chief, Sept. 27, 1642.*

WE have received Information, that at a late Meeting at *Leedes*, divers worthy Gentlemen and others, well-affected Inhabitants of *Yorkshire*, have declared themselves desirous to preserve the Peace of that County, and to secure his Majesty's Subjects from those violent Oppressions executed upon their Persons and Estates by the Earl of *Cumberland*, the Lord *Savile*, and others, by pretence of the Commission of Array, and other Commissions against Law; and for that purpose have thought upon a Noble Person of your County, the Lord *Fairfax* to command in Chief over the Forces of that Shire. And that

*John*



*John Hosham*, Esq; lately conferr'd much Help and Furtherance to this noble Resolution, by coming out of *Hull* with some Forces, both Horse and Foot. Hereupon we have received Direction from both Houses of Parliament, to signify unto you their Approbation, and to give all Encouragement and Assistance in these Proceedings, as conducing much to that great Work which the Parliament hath undertaken, to secure Religion, and the Liberty and Peace of the Kingdom, which are much endangered by the ill Counsel about his Majesty, and the War now raised against the Parliament. In pursuance whereof, we have thought good hereby to desire and authorize you to draw the Forces of that County together, under the Conduct of the Lord *Fairfax*, and to defend his Majesty's Subjects in their Persons and Liberties against the said Earl of *Cumberland*, or any other that shall oppose the same by pretence of any Commission whatsoever. And for your better performance hereof, we intend to send down very speedily some Forces of Horse and Foot from hence, as likewise some experienced Officers, with ample Instructions, in such manner as hath been given to other Parts of the Kingdom in the like Case; and to commend the Lord *Fairfax* to the Earl of *Essex*, entreating his Excellency to send him a Commission to the same Effect: And in the mean time we have sent this Bearer of purpose to give you Notice of the Intention and Order of the Lords and Commons in Parliament, and of our particular Care to second your good Affections and Endeavours in this so necessary and advantageous Service of the Kingdom: And so remain,

18 Caroli.

Westminster, September 27, 1642. at  
Eight of the Clock at Night.

Northumberland.

*Henry Vane.*

*Tho. Barrington.*

*John Pym.*

*Henry Marten.*

*A Speech delivered to his Majesty by Sir Charles Dallison, Recorder of Lincoln, at his Majesty's Reception into the said City, July 15, 1642.*

Most Gracious Sovereign,

WE your Majesty's most Dutiful and Obedient Subjects, before we were encouraged by the Influence of your Majesty's Presence, knew not what to do, being amazed with Fears and Jealousies rumoured and spread abroad, whereby divers of your Majesty's good Subjects were distracted, and the more, because we never knew, nor could imagine any Cause of Fear or Jealousie.

Sir, I cannot more properly compare our Case, than to a Man in perfect Health, yet doth fancy himself Sick of a Consumption; whom if his Fortune be to light of a skilful and honest Physician, he is in no Danger; but if upon an Empirick, it is like his Body should be brought into that Condition, which before he did but fancy himself to be in. I am doubtful if these Persons who have been the Cause of raising and fomenting these Fears and Jealousies, might chuse their own Physician, and apply their own Medicine, it would hazard the Ruin of the Common-Wealth, by abolishing the ancient and fundamental Laws thereof; but the Subjects of this Nation (God be thanked) are in a better Case. It is not in the Power of wicked Men, either to make Choice of a Physician, or to apply the Medicine, your Sacred Majesty being our great Physician, and without your Majesty's Consent and Command, no Medicine can be apply'd.

And to the unspeakable Joy and Comfort of all your Majesty's faithful Subjects, it is sufficiently signify'd to the World by your Majesty's most Kingly Declarations, expressing your Resolution to Maintain and Govern by the known Laws of this Realm, to defend the true Protestant Religion established by Law, by which means your Loyal Subjects shall be preserved and protected from Arbitrary Government: Let the most evil-affected Person then deny, if he

July 15, 1642.  
Sir Ch. Dallison's Speech  
to his Majesty at Lincoln.



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he can, but that we have from our King what is to be wished, and that without asking or petitioning. There is only one Question to be asked, and a short Answer thereunto: What is now to be done? To which every ingenuous Soul must acknowledge the Want is on our Parts, we owe all we have to be disposed by your Majesty, for the Maintenance and Preservation of your just Rights and Prerogatives, which cannot be maintained but thereby; the Privileges of your Subjects will be likewise defended, (the same Law defending both) and under which Law the People of this Nation have been most happily governed under your Majesty, and your most noble Progenitors many Hundred Years: For the Continuation of which Government, for my own particular, (prostrating my self at your Majesty's Feet) I humbly offer and render unto your Majesty, my Self, Estate, and Fortune.

And, Sir, I have Warrant from the Mayor of this City, and the whole Body of this Corporation, to beseech your Majesty to accept of the like Offer from them. So with this short Ejaculation I shall conclude, beseeching God to bless and preserve your Sacred Person, and this our most noble and hopeful Prince *Charles*, with all your Royal Issue; and that this Nation and People, and all your Dominions, may be governed by your Majesty and your Posterity to the World's End.

*The King's Speech to the Gentry and Free-holders of Lincoln.*

*Gentlemen,*

IF I could have suspected your Affections, or have censured the Duty of this County, by some late Actions in it, I should not have taken this Pains, to have given you a Testimony of my Affection to you, and to remove those Objections, which being raised by a malignant Party, may, by their Cunning and Industry, get Credit even with honest Minds. The Truth is, I come to you to assure you of my Purposes and Resolutions, for the Defence of whatever is or should be dear unto you, your Religion, your Liberty, your common Interest, and the Law of the Land: And to undeceive you of that Opinion which I hear hath misled many of you, that the pretended Ordinance of the Militia is warranted by my Consent and Authority. As I have already informed you by my several Declarations and Messages, that the same is against the known Law, and an Invasion of my unquestionable Right, and of your Liberty and Property: So I do now declare unto you, That the same is imposed upon you against my express Consent, and in contempt of my Regal Authority: And therefore whosoever shall henceforth presume to execute or obey the same, I shall proceed against them, as against such who promote Rebellion, and actually levy War against me: And I doubt not but you will sadly consider, That if any Authority, without and against my Consent, may lawfully impose such Burthens upon you, it may likewise take all that you have from you, and subject you to their lawless arbitrary Power and Government. And how far they are like to exercise that Jurisdiction towards you, you may guess by the Insolence of Sir *John Hotham* at *Hull*, who (being a Subject) not only presumes to keep his Sovereign, by Force of Arms, out of his Town, but murders his Fellow-Subjects, imprisons them, burns their Houses, drowns their Land, takes them Captives, and commits such Outrages and Acts of Hostility, as the most equal and outrageous Enemies practise in any Country. That you may see how impossible it is for your Liberties and Properties to be preserved, when your King is oppressed, and his just Rights taken from him. Who hath brought these Calamities upon your Neighbours at *Hull*, every Man sees, and they only can bring the same upon you. I will not believe you to be so insensible of the Benefits you have received from me, that I need put you in mind of the gracious Acts passed by me this Parliament on your Behalfs; and if there be any thing wanting to the making you the happiest Subjects in the World, I am sure it is not my Fault that you have not that too. Be not deceived with Words and general Expressions; it is not in your Power to name one Particular which might make you happy, that I have refused to grant. Be not  
frighted



‘frighted with Apprehensions, that this Country is like to be the Seat of a War: The Seat of a War will be only where Persons rise in Rebellion against Me; that will not, I hope, be here, and then you shall be sure of my Protection. I will live and die in your Defence; and that you may be in a readiness, and a posture to defend your Selves and Me against any Invasion or Rebellion, I have Armed several Persons of Honour, Quality and Reputation amongst you, and of your own County, with a Commission of Array to that purpose. There is no honest End declared in that Orninance, which is not provided for by this Commission; which being according to the old known Laws, is fit for your Obedience, and I doubt not will find it.

‘In a word, I assure you, upon the Faith and Honour of a Christian King, I will be always as tender of any thing which may advance the true Protestant Religion, protect and preserve the Laws of the Land, and defend the just Priviledge and Freedom of Parliament, as of my Life, or my Crown; and when I fail in either of these, I will not look for your Assistance; till then, you are concerned not to see Me suffer.

*The King's Speech at Newark to the Inhabitants of Nottingham.*

*Gentlemen,*

‘**Y**OUR honest Resolutions and Affections to Me and your Country, for the Defence of my Person, and the Laws of the Land, have been, and are so notable, that they have drawn Me hither only to thank you. I go to other places to confirm and undeceive my Subjects, but am come hither only to thank and encourage you. You have made the best Judgment of Happiness, by relying on that Foundation, which the Experience of so many Hundred Years hath given such proof of, the Assurance and Security of the Law: And assure your selves, when Laws shall be altered by any other Authority, than that by which they were made, your Foundations are destroyed. And though it seems at first but to take away my Power, it will quickly swallow all your Interest. I ask nothing of you, (though your De-meanour gives me good Evidence that you are not willing to deny) but to preserve your own Affections to the Religion and Laws established. I will justifie and protest those Affections, and will live and die with you in that Quarrel.

*The Petition of the Inhabitants of the Town of Lancaster,  
May 11, 1642.*

*Shewing to your Sacred Majesty,*

**O**UR Heart-breaking Sense and Sorrow for the unhappy Rents and Distractions in your Majesty's Dominions, especially in the Time of the Session of so Grave and Godly an Assembly, (most graciously convened by your Majesty) endeavouring the Glory of Almighty God in the Reformation of Religion, and the Honour and Weal of your Majesty, and your Realms, in settling and securing of your Royal Throne in Plenty and Peace. But perceiving the long and remote Distance of your Majesty from that Honourable Assembly to have distracted the Hearts of your good Subjects, and animated the Popish and Malignant Party among us, and fearing it may expose us to the Danger and Fury of a Foreign Foe, retard the settling of the weighty Affairs in our Land, and the subduing of the Rebels in Ireland, and finding your Majesty's late Resolution for that Expedition to threaten Danger to your Royal Person, far more worth than Ten thousand of us.

U u u u

We



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We therefore your Majesty's most Loyal Subjects, out of our Zeal to God's true Religion, your Majesty's Honour and Safety, and the Peace and Welfare of your Dominions: And out of the deep Sense and Apprehension of our Interest in the same, do in all humility present and prostrate our Selves and Supplication at your Royal Feet, beseeching your Majesty to return to your Great Council, (the Representative Body of your Kingdom) in whom this Nation hath so far confided, that they have intrusted them with their Lives and Liberties, and in which multitude of Counsellors there is Health and Stedfastness, and whereby your Royal Throne may be established in Righteousness; and we, with the rest of your faithful Subjects, shall continually praise and pray for your prosperous and happy Reign over us.

*His Majesty's Answer.*

THAT this Petition, as some others of this Nature, is grounded upon Misinformation; and his Majesty being grieved, and highly offended to see how his good People have been and are abused by false Rumours and Intelligences, (which have procured causeless Fears and Apprehensions) refers the Petitioners to the Answers he hath given to the Declaration presented to him at *Newmarket*, and to the Petition presented to him the 26th of *March* last at *York*, wherein his Majesty saith, You will clearly perceive that he is not gone, but driven from his Parliament. His Majesty likewise, for your further Information of his Proceedings and Intentions, recommends to your View and Consideration, his two Messages and Declarations concerning *Hull*, and his Message touching the Reasons of his refusal to grant the *Militia*: All which, when they shall be fully presented to the rest of your County, he doubts not but that you will rest very well satisfied of his constant Resolution for the maintaining of, and governing his People by the Law of the Land; his immoveable Resolution for the Maintenance and Defence of the true Protestant Profession, and the Suppression of the barbarous Irish-Rebellion. And his Majesty saith, That He believes you may then find reason to petition the Parliament to comply with his Majesty's just Desires and gracious Offers, which is the only way safely and speedily to cure the present Distractions of this Kingdom, and (with God's Blessing) to put a happy End to the Irish-Rebellion: For the effecting whereof, (as his Majesty hath often said,) he will neither spare Pains, nor decline any Hazard of his Person or Fortune.

*Edw. Nicholas.*

C H A P.



## C H A P. VII.

*Of the King's Commission of Array; the Legality thereof controverted, and Passages or Rencounters between those that went to put the same in Execution, and others that acted upon the Ordinance of the Two Houses for settling the Militia, in the Months of June, July, and August, 1642.*

**A**S the Houses had passed an Ordinance for settling the *Militia* in such Hands as they could confide in, and divers of the Persons therein named began in several parts to put it in Execution; so on the other side, the King charging this Ordinance to be against Law, and requiring that none should yield Obedience thereunto, did issue forth his *Commissions of Array* to the respective Counties, appointing several Persons of Quality to Array, Train and Muster the People.

This Commission the two Houses declared to be unlawful; so that the same was not only much and learnedly controverted by Declarations, &c. but also the Persons in the Countries acting by these opposite Authorities, had many Bickerings one with another, of all which to give an account is the Subject of this Chapter.

The King's Commission of Array for Leicester,  
June 11th, 1642.

**C**AROLUS Dei Gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defensor, &c. Charissimis Consanguineis nostris Hen. Com. Huntington, & Willielmo Com. Devon. necnon dilectis & fidelibus nostris Hen. Hastings, Armigero, Filio dicti Com. Huntington, Hen. Berkley, Georgio Villiers, Thomæ Burton, Baronett. Hen. Skipwith, Joanni Skeffington, & Richardo Halford Militibus & Baronettis, Wolstan Dixe, Richardo Roberts, Joan. Bale, Thomæ Hartop, Erasmo de la Fountain, & Willielmo Jones, Militibus; Hen. Hastings de Humberston, Georgio Ashby, & Joanni Pate Armigeris, at Vic. nostro Com. nostri Leicestr. pro tempore esistenti, Salutem. Sciatis quod nos Malitia Inimicorum nostrorum, si Regnum nostrum Angliæ invadere præsumperient (quod absit) Gratia vobis favente Divina resistere, ac pro Salvatione & Defensione nostri ac Regni prædicti, & Ligeorum nostrorum ejusdem disponere & ordinare volentes, ut tenemur, assignavimus vos, vel aliquos tres, vel plures vest. ad Arraiand. & Triand. omnes & singulos Homines ad arma, ac Homines armatos & sagittarios in Com. præd commorantes infra Libertates, & extra ad armari faciend. omnes illos, qui de corpore sunt potentes & habiles ad armand. qui de suo proprio habent unde seipsos armare possunt, viz. quilibet eorum juxta statum & facultates suas, & ad assidend. & apportionand. juxta

The King's  
Commission  
of Array for  
Leicestershire,  
June 11th,  
1642.



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ad visamentum & discretiones vestras, aut aliquorum trium, vel plurium vestrum, ac etiam ad distringend. omnis illos, qui in Terris & Bonis sunt potentes, & pro debilitate corporum ad laborand. impotentes ad inveniend. juxta quantitatem Terrarum & Bonorum suorum, & prout rationabiliter portare poterunt (salvo statu suo) armatur. Hominibus ad arma, & hominibus armatis, ac Arcus & Sagittas, ita quod illi qui morabuntur, seu morari poterunt ad domum suam propriam in Patria sua super defensione ejusdem Regni contra Inimicos nostros, si periculum eveniat, non capiant vadia, nec expensas pro mora sua apud domus suas prædict. & ad dictos Homines ad arma, ac Homines armatos, & Sagittarios sic Arraiatos & munitos continue in Arraiatione, ut in millenis, centenis & vicenis, & alias prout conveniens fuerit, & necesse teneri & poni faciend. Assignavimus autem vos, aut aliquos tres, vel plures vestrum, quotum te præfatum Hen. Comitem Huntington, & in absentia tua te præfat. Willielmum Com. Devon. vel te præfat. Hen. Hastings, Filium prædicti Comitis Huntington unum esse volumus ad dictos Homines ad arma, ac Homines armatos et Sagittarios sic arraiat et munit, tam ad Costeram Maris, quam alia loca, ubi, ac quoties necesse fuerit, ad dictos Inimicos nostros expellend. et debelland. de tempore in tempus, cum aliquod periculum immineat mandand. et injungend. assignavimus etiam vos, aut aliquos tres, vel plures vestrum, ad Monstrum sive Monstrationem eorundem Hominum ad arma, ac Hominum armatorum et sagittariorum de tempore in tempus, quoties indiguerit, diligenter faciendum et supervidendum ac etiam ad proclamand. ordinand. et diligenter examinand. quod omnes et singuli hujusmodi Homines ad arma, ac Homines armati et sagittarii in monstris hujusmodi armaturis suis propriis, et non alienis, armentur; Sub pœna amissionis eorundem, exceptis duntaxat illis, qui ad expens. aliorum armari debent, ut prædict. est, et ad omnes et singulos, quos in hac parte inveneritis contrarios, seu Rebelles, arrestand. et capiend. et eos prisonis nostris committend. in eisdem moraturos, quousq; secundum legem inde deliberati fuerint, et ideo vobis districtus quo possumus super fide et legeantia, quibus nobis tenemini injungimus et mandamus, quod statim, visis præsentibus, vos ipsos melius et securius quo poteritis arraiari et parari, et coram vobis ad certos dies et loca, quos videritis magis competentes et expedientes, & pro Populo nostro minus damnosos, omnes Homines in patria commorantes per quos Arraiatio et Munitio melius fieri et compleri poterunt, venire et vocari sac' et eos arraiari, armari et muniri, et eos sic arraiatos et munitos in arraiatione hujusmodi teneri faciatis, et insuper signa vocat. Beacons poni faciatis in locis consuetis, per quæ Gentes Patriæ de adventu Inimicorum nostrorum poterunt congruis temporibus præmuniri, et eosdem Homines sic arraiatos et munitos, cum periculum imminuerit, in defensionem Regni ac Patriæ prædict. de tempore in tempus, tam ad Costeram Maris, quam alia loca, ubi magis necesse fuerit, duci faciat, vel aliqui tres, aut plures vestrum, quorum te præfat. Hen. Com. Huntington, & in absentia tua te præfat. Willielmum Com. Devon. vel te præfat. Hen. Hastings, Filium præd. Com. Huntington unum esse volumus, duci faciant, ut prædictum est, ita quod pro defectu defensionis, arraiationis, sive ductionis dictorum Hominum, vel per negligentiam vestram damna Patriæ prædict. per Intimicos nostros modo non eveniat ullo modo pro posse vestro. Damus autem universis & singulis Comitibus, Baronibus, Militibus, Majoribus, Ballivis, Constabulariis, Ministris & aliis Fidelibus & Ligeis nostris Com. præd. (tam infra Libertates, quam extra) tenore præsentium firmiter in mandat. quod vobis, & cuilibet vestrum in omnibus, singulis præmissis faciend. & expland. intendentes sint, Consulentes & Auxiliantes & tibi præsta. Vic. quod ad certos dies



*dies & loca, quos ad hoc vos, vel aliqui tres, vel plures vestrum, ut prædictum est, ordinaveritis, venire faciatis coram vobis, vel hujusmodi tribus, vel pluribus vestrum, ut prædictum est, omnes illos in Com. præd. per quos Arraiatio, Assessio & Ordinatio melius poterit fieri & compleri, & illis, quos pro Rebellionem sua capi & arrestari contigerit, in prisona nostra Custod. sicut prædictum est. In cujus rei Testimonium has presentes literas nostras fieri fecim. Patentes; teste meipso, undecimo die Junii, Anno Regni nostri decimo octavo.*

18 Caroli.

Per ipsum Regem.

WILLIS.

*The Copy of the King's Letter sent with the Commission of Array to Leicestershire.*

CHARLES R.

**R**ight Trusty, and Right well-beloved Cousins, and Right trusty and well-beloved, We greet you well. Whereas it hath been declared by the Votes of both Houses of Parliament the 15th of *March* last, That the Kingdom hath of late, and still is in so evident and imminent danger, both from Enemies abroad, and a Popish discontented Party at home, that there is an urgent and inevitable necessity of putting our Subjects into a posture of Defence for the Safeguard both of Our Person and People; and that sithence divers Inhabitants of divers Counties have addressed their Petitions to that purpose. And whereas a small Number of both Houses (after it had been rejected by the Lords in a full House, and without Our Royal Assent, or the Opinion of the Judges concerning the Legality of it) have attempted by way of Ordinance, to put in Execution the *Militia* of the Kingdom, and to dispossess many of our ancient Nobility of the Command and Trust reposed in them by Us, and have nominated divers others who have no Interest, nor live near to some of the Counties to which they are nominated for the Lieutenancy, whereby they cannot be properly serviceable to the Counties wherewith they are entrusted; nor our People receive that Content and Security which we desire they should. To submit to the Execution of which Power by the way of Ordinance, without it were reduced into a Law by Act of Parliament established by our Royal Assent, were to reduce and expose our Subjects to a meer Arbitrary Government, which by God's Grace We shall never permit.

The King's  
Letter sent  
with the  
Commission  
of Array,  
June 12, 1642.

We therefore considering that by the Laws of the Realm it belongeth to Us to order and govern the *Militia* of the Kingdom; have thereupon by our Proclamation of the 27th of *May* last, prohibited all manner of Persons whatsoever upon their Allegiance to muster, levy, or summon upon any Warrant, Order or Ordinance from one or both Houses of Parliament, whereunto we have not, or shall not give our expresse Consent to, any of the Trained-Bands, or other Officers without expresse Warrant under our Hands, or Warrant from Our Sheriff of the County grounded upon a particular Writ to that purpose under Our Great Seal. And considering that in ancient time the *Militia* of the Kingdom was ever disposed of by the Commissions of Array, and that by a particular Statute upon Record in the *Tower*, made in the Fifth Year of *Henry* the Fourth, by full Consent of the Prelates, Earls, Barons and Commons, and at their Suit, and by the Advice and Opinion of the Judges then had, such Commissions, were mitigated in respect of some Clauses, perilous to the Commissioners, and approved of for the time to come. And by the subsequent Records it appeareth, That all Our Royal Predecessors have continually exercised that Power by such Commissions, till of late time they have been discontinued by the Grants of particular Commissions of Lieutenancy, little differing in substance from the said Commissions of Array, against which the Houses it seems have taken some Exception. And tho' we are no way satisfied of the Illegality of them, Our Counsel  
being



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being never heard in the Defence thereof; yet being willing to avoid all Exceptions at present, We have thought fit to refer it to that ancient legal way of disposing the Power of the *Militia* by Commissions of Array for Defence of Us, Our Kingdom and Our County; Authorizing you, or any three or more of you, to Array and Train Our People, and to apportion and assess such Persons as have Estates, and are not able to bear Arms, to find Arms for other Men in a reasonable and moderate proportion; and to conduct them so array'd, as well to the Coasts, as to other places, for the Opposition and Destruction of our Enemies in case of danger, as to your Discretions, or any three or more of you, shall seem meet, whereof you *Henry Earl of Huntington*, and in your absence, *William Earl of Devonshire*, or *Henry Hastings, Esq;* to be one. And being both confident in a great measure both of the Loyal Affections of Our People, and very tender to bring any unnecessary Burden or Charge on them by augmenting the number of the Trained-Bands: We do for the present only require that you do forthwith cause to be mustered and trained all the ancient Train'd-Bands and Freehold-Bands of the County, carefully seeing that they be supplied with able and sufficient Persons, and compleatly arm'd; unless you find that there be just cause, and that it shall be with the good liking of the Inhabitants for their own better Security to make any increase of their Number; and over such Bands to appoint and set such Colonels, Captains and Officers as you shall think most fit for the discharge of that Service; being such Persons as have considerable Interest in the County, and not Strangers. And in case of any Opposition, you are to raise the Power of the County to suppress it, and to commit all such Persons as are found rebellious herein into the Custody of our Sheriff; whose Care and Assistance We especially require. And that he shall from time to time issue forth such Warrants for the assembling of Our People at such Times and Places as by you shall be agreed on, according to the Trust reposed in him by Our said Commission. And We have authorized you our Commissioners, or any three of you, after such Array made, from time to time to train and take Musters of Our said Bands; and to provide Beacons and other Necessaries, for the better exercising of Our People, and discovery of sudden Invasions and Commotions. Of all which your Proceedings herein We expect a plenary and speedy account, according to the Trust reposed in you, and Authority given you by our Commission on that behalf.

Given at Our Court at *York* the 12th Day of *June*, in the 18th Year of Our Reign, 1642.

Die Sabbathi, 18 Junii, 1642.

*Resolved upon the Question, by the Lords and Commons Assembled in Parliament,*

Votes of the  
Two Houses  
against the  
Commission  
of Array,  
*June 18.*

**T**HAT this Commission of Array for *Leicester* is against Law, and against the Liberty and Property of the Subject.

*Resolved, &c.* That all those that are Actors in the putting of the Commission of Array in Execution, shall be esteemed as Disturbers of the Peace of the Kingdom, and Berrayers of the Liberty of the Subject.

*Ordered,* That this Commission of Array, and the aforesaid Votes, shall be forthwith printed and published throughout the Kingdom.

*Jo. Brown, Cleric. Parl.*

By



## By the KING.

*A Proclamation to inform all our loving Subjects of the Lawfulness of our Commissions of Array, issued into the several Counties of our Realm of England, and Dominion of Wales, and of the Use of them, and commanding them to obey our Commissioners therein named, in the Execution of their said Commissions.*

WHEREAS by the Laws of the Land, the ordering and governing of the *Militia* of the Kingdom, for the preventing and suppression of all Invasions and Rebellions, hath (as a most known and undoubted Right and Prerogative) belonged in all time solely to our Self, and our Progenitors, Kings of *England*: and accordingly we have heretofore awarded Commissions of Lieutenancy into the several Counties of this our Realm, for the governing and exercising of the Soldiery and Trained-Bands there, like as Queen *Elizabeth*, and our Dear Father, both of happy Memory, had done before Us; and therein (among other things) gave Power to the Commissioners in each County, to levy, call together, arm, array and muster our Subjects, inhabiting in the said several Counties, and to conduct and lead them against all our Enemies, and all Rebels and Traitors from time to time, as often as need should require.

All which Commissions (altho' we did since the beginning of this Parliament grant the like for the County of *York*, to the now Earl of *Essex*, with the Privy of both our Houses of Parliament, and without Exception from either) have, without hearing any of our Counsel Learned, been since voted in our said Houses of Parliament to be illegal and void; the Reason whereof We have not yet been informed of, nor can imagine; for that neither any illegal Clause (if any such be) in those Commissions, nor any Excess or Abuse of their Authority by any Lieutenants, or their Deputies, in raising of Monies, Taxing of the Inhabitants, or otherwise, could by Law make void any such Powers as in themselves were lawful to be granted and put in Execution.

And whereas in cases of Danger and Necessity, it had been more suitable to the condition of the Times, and the good liking of our Subjects, (who cannot be well pleased with any new ways, how specious soever) that our Houses of Parliament should have taken Orders that our Commissions of Lieutenancy (the course whereof had so long continued) should for the present have been put in Execution, at leastwise such part thereof, as was undeniably and unquestionably legal, and was sufficient for the Purposes before-mentioned; or that (according to the like Precedents in former Times) they would have desired us to have granted new Commissions of that nature, omitting such Clauses as might justly have been excepted against, which We would not have denied; and not to have called in so suddenly for those Commissions to be cancelled, as was done (tho' we know not by what Law) in our House of Peers: Yet notwithstanding, our two Houses of Parliament, instead of such our Commissions, under pretence of evident and imminent Danger, and urgent and inevitable Necessity of putting our Subjects into a posture of Defence, have made a late Order for the settling of the *Militia*, under the Name of an Ordinance, (which two or three several times had been refused by the major part of Peers) and being made not only without, but against our Consent, (the Reasons whereof are sufficiently known to all our Subjects) is not only without any one warrantable Precedent of former Times, (as We believe) but (as We are well assur'd) void in Law.

Wherefore, out of the Care which We have of our People, lest under the pretence of Danger, Necessity and want of Authority from Us to put them into a Military posture, they should be drawn and engaged in any Opposition against Us, or our just Authority; and that they may know they are

June 20, 1642.  
The King's  
Proclamation  
of the Law-  
fulness of the  
Commission  
of Array.

by



An. 1642.

by Us otherwise provided for, and secured against all just Causes of Fears and Dangers, and from any Force in a legal Way, (for We are so resolved to rule and govern our Subjects, according to our known Laws only) We have thought fit, for the present, hereby thus timely to publish and declare, That we have awarded into the several Counties of our Kingdom of *England*, and Dominion of *Wales*, our several *Commissions of Array*, thereby giving Power to several Persons of Honour, Reputation and Estate, in the said Counties, for the Safety and Defence of Us, our Kingdom and our good Subjects, from time to time, as it shall be needful, to Array, Train, Arm, and Muster our Subjects inhabiting in the said Counties; and in case of imminent Danger, to conduct and lead them for the Destruction of our Enemies, and in the Defence of their Country and the Kingdom.

Which Power of granting Commissions for the Defence of Us and our Kingdoms, as it is inherent in Us, and inseparable from our Crown, so it hath been warranted by the Precedents of the like Commissions in all Ages, both before and since the Grant of the Great Charter by King *Henry* the Third, down to the very Time that Commissions of Lieutenancy were granted, and was agreed to be Legal by the two Learned Judges, Sir *George Crook* and Sir *Rich. Hutton*, (amongst all the rest) in their Arguments, which concluded on the Subjects part in our Exchequer-Chamber, in Mr. *Hamden's* Case, as by the same (now since printed) may appear, together with divers particular Records in several Ages therein mentioned, to which many more may be added.

And in these our Commissions, to prevent all manner of Exception, We have, in the Powers given to our Commissioners, in all Points followed that Commission of Array which was agreed upon by the King and both Houses of Parliament, after Conference with the Judges of the Realm, in the Fifth Year of King *Henry* IV. and was done upon the Desire of the Commons, to have some Alterations from former Commissions in certain over-strict Clauses; whereunto nevertheless no Exception was taken for the Legality, but the King's Assent acknowledged as an Act of great Grace, as appeareth by the Parliament-Rolls of that Year. Since which time, Commissions of Array have frequently issued for prevention of Danger, either of Enemies abroad or at home, (in both which respects our Houses of Parliament have voted this Kingdom to be in danger) the same being indeed the old ordinary way for the Preservation of the King and Kingdom, who must not delay their Preparation till such Danger break forth into Action, and so perhaps prove too late. And these Commissions of Array were not discontinued, till by reason of the Commissions of the Lieutenancy (which in substance contained the Powers given by those Commissioners of Array) they came to be of little use.

And whereas by the Statute of the 4th and 5th Years of the Reign of *Philip* and *Mary*, King and Queen of *England*, it is Enacted, That if any Person or Persons, that shall be commanded generally or specially to Muster, afore any such as shall have Authority or Commandment for the same, by or from the King, or by any Lieutenant, Warden, or other Person or Persons authorized for the same, do willingly absent him or themselves from the same Musters, having no true and reasonable Excuse of Sicknes, or other lawful Impediment; or at their appearance at such Musters, do not bring with them such their best Furniture, or Array and Armour, as he or they shall then have, for his or their Person, in readiness, that such Person or Persons, shall, for every such Default and Offence, incur such Penalties, and to be inflicted in such manner, as by the said Statute is limited, which Statute is in full Force.

We do therefore by this our Proclamation, expressly Charge and Command all our Sheriffs, Justices of Peace, Mayors, Bailiffs, Constables, and all other our Officers, and other our loving Subjects of our several Counties of *England*, and Dominion of *Wales* respectively, That they be Attending, Aiding, Assisting, Counselling, and at the Commandment of the said Commissioners of our several Counties respectively, in the Execution of their Commissions, as they will answer the contrary at their utmost perils.

And altho' We can nothing doubt, that any of our loving Subjects shall or will oppose or hinder our said Commissioners in the Execution of their said Commissions, by putting in Execution any Power touching the Militia, not warranted by our Authority, or otherwise disturbing our said Commissioners



ners in the Execution of our Service; considering the extream Danger wherein such Act may, upon the several Circumstances, by the strict Construction of Law involve them. Yet lest any ill-affected Persons, too far presuming upon our Clemency, and in hope of Impunity or Pardon, should dare offend Us and our Laws, contrary to this our Proclamation, We do hereby declare to all our Subjects, That whosoever shall, after this our Proclamation published, do any thing in Opposition to our Commissioners, by disobeying their Commands according to Law, or putting in Execution any other Command concerning the Militia of our Kingdom, contrary to Law, We shall account them unworthy our Grace and Mercy, and such as must expect that Justice (how Penal or Capital soever it be) shall be done upon them according to their Demerits.

Given at our Court at *York*, the 20th Day of *June*, in the Eighteenth Year of our Reign, 1642.

18 Car.

*The Declaration of both Houses of Parliament, concerning the Commission of Array.*

Whereas Information hath been given to the Lords and Commons assembled in Parliament, that a Commission hath lately issued out, under the Great Seal of *England*, directed to the Earls of *Huntington* and *Devonshire*, *Henry Hastings*, Esq; and others, commanding them to array all Men within the County of *Leicester*, according to their Estates and Abilities, and to charge them with Arms, at the Discretion of the Commissioners, or any three of them; and to restrain all those that are able, either in Lands or Goods, to find Arms: And such as by reason of Impotency are not able to serve in Person, to find Men at Arms, according to the Quantity of their Lands and Goods. And all such Persons so arrayed and armed, to cause to be trained and exercised, at the Pleasure of the said Commissioners, or any three of them: And the Persons so arrayed, to draw to the Coasts of the Sea, or elsewhere; and such as shall oppose or contradict the same Commission, to commit to Prison, and there to detain them, until they shall be delivered by Law.

July 1, 1642.

And the said Lords and Commons are further informed, That, together with the said Commission, a Letter under his Majesty's Hand was directed to the said Commissioners, declaring the Legality of the said Commission, to be grounded upon a Statute made in the 5th *Hen. 4.* not printed, with further Instructions to the said Commissioners, for putting the same Commission forthwith in Execution. And that divers Proclamations did issue forth, endeavouring to justify the Legality of the Commission; the Tenours of which Commission, Letter, Proclamation and Statute, the said Lords and Commons have caused to be annexed thereunto.

The said Lords and Commons are much aggrieved, and do think it strange, that his Majesty being still misled by the Suggestions of evil Counsellors, after so many Declarations, and solemn Protestations made to his Parliament and People, of his Resolution to rule and govern by the Laws of the Land, and to keep and maintain the same; And after so many Declarations made by both Houses of Parliament, of their Loyalty and Fidelity to his Majesty, and of their faithful Endeavours for the Preservation of his Majesty's Honour and Safety, and for the Welfare, Peace and Happiness of this Realm, should now be drawn to issue out such a Commission, so contrary to the Laws, and so full of Danger and Inconveniency to all his Majesty's Subjects; which, if admitted, will be a heavier Yoke of Bondage upon the People, than that of Ship-money, or any other illegal Charge, which hath been taken away this Parliament.

And for that it is pretended that the said Commission is warranted by the said Act of Parliament, made in the 5th Year of King *Henry* the 4th; The Lords and Commons have taken the same into Consideration, and find that the said Act of Parliament is no ground to warrant that Commission, or any other Commission of that Nature. And for the more clear Manifestation of the Truth thereof, they have caused that Act, as it is entered upon the Record, to be here-

X x x x

with



An 1642.

5 H. 4. 1. M. 28.  
dorſo.

Stat. 13. E. 1.

with printed, and to declare the Reasons of their Resolutions herein. By the Preamble of that Statute it doth appear, that the sole End thereof was, to put out some Clauses and Words inserted in the Commission, that were grievous and dangerous for the Commissioners, as appears by these Words in the beginning, *viz.* 'For the many Forfeitures, and divers other Clauses and Words comprised in the same, which were very grievous and hurtful for the Commissioners named in the same Commission in divers Counties of England, &c. And these Words in the latter End; 'And that none of the said Commissioners, their Heirs, Executors, or Tenants, by reason of any Forfeitures, or Penalties, or any other things comprised, be, or hereafter be any ways molested, grieved, endamaged, or impeached in any time to come, &c. And the Clauses that were cancelled, and put out of the said Commission, were only such as concerned the Commissioners; which appears by comparing the Commission corrected by the Commons, with the Commission that then was issued out, which is entered upon the Patent, *Rol. 5. H. 4. P. 1. M. 28. Dorſo*; of which the Commons had a Copy delivered unto them, and the Clauses contained in the Copy delivered them, and cancelled by them, were these, *ſcilicet. Et ad nos, & Concilium noſtrum, de numero hujusmodi hominum ad arma, & hominum Armatorum, & ſagittariorum, nec non de toto ſacto veſtro in hac parte, ſub ſigillis veſtris, vel alicujus veſtrum, citra Octab Sancti Hillarii, proxime futur', diſtincte & aperte certiſicand. ſub foriſfactur. omnium que nobis foriſfacere poteritis, & prout vos ipſi reſpondere volueritis, de dampnis & periculis, ſi quæ per veſtri defect. & negligentiam (quod adſit) eveniant*. Then in the Conclusion, *Scientes pro certo, quod ſi periculum, vel dampnum, Regno noſtro predicto in partibus illis, per inimicos noſtros, pro defectu arrai. & deſenſionis, & ductionis hujusmodi exeunt, (quod abſit) evenierit defectum & periculum hujusmodi vobis & negligentia veſtræ, volumus & debemus reputare, & penitus aſſignare.* And their Prayer in Conclusion was, That thereafter no Commission of Array might iſſue out otherwiſe, nor in other Words than were contained in the ſaid Copy. And that the Commissioners, their Heirs, or Tenements, might not be moleſted or troubled: So that it is to be obſerved, the Commons did not deſire any Amendment or Declaration, as to the Power of the Execution of the Commission, which ſurely did moſt concern them and the Kingdom.

But touching that, they very well know, That by the Law of the Kingdom, and divers Acts of Parliament then in Force, no ſuch Power could be exerciſed over them. For the Statute of *Wincheſter*, made the 13. E. 1. then in force, did declare the certain Proportion of Arms every Man was to have according to his Eſtate, in Land or Goods; and the times, and how often their Arms were to be viewed, and by whom, and in what manner their Defaults were to be puniſhed. The Statute it ſelf followeth in theſe Words, *viz.*

'And further it is commanded, That every Man have in his Houſe Harneſs, 'to keep the Peace after the ancient Aſſize; that is to ſay, every Man betwixt 'fifteen Years of Age, and forty Years, ſhall be aſſeſſed and ſworn to Armour, 'according to the Quantity of their Lands and Goods; that is, to wit, from 15 l. 'Lands and Goods; forty Marks, that is, to wit, an Hawberk, a Breſt-plate 'of Iron, a Sword, a Knife, and an Horſe. And from 10 l. of Lands, and 20 'Marks of Goods; a Hawberk, a Breſt-plate of Iron, a Sword, and a Knife. 'And from 5 l. Lands, a Doublet, a Breſt-plate of Iron, a Sword, and a Knife. 'And from forty Shillings Land and more, unto five Pounds of Land, a Sword, 'a Bow and Arrows, and a Knife. And he that hath leſs than forty Shillings 'yearly, ſhall be ſworn to keep Gyſarms, Knives, and other leſs Weapons. And 'he that hath leſs than twenty Marks in Goods, ſhall have Swords, Knives, and 'other leſs Weapons, and all other that way, ſhall have Bows and Arrows out 'of the Foreſt, and in the Foreſt, Bows and Bolts. And that View of Armour 'be made every Year two times; and in all Hundreds and Franchiſes, two 'Conſtables ſhall be choſen to make the View of Armour: And the Conſtables 'aforeſaid, ſhall be preſent before Juſtices, aſſigned for ſuch Default as they do 'ſee in the Country about Armour, and of the Suits of Towns and High-ways; 'and alſo ſhall preſent all ſuch as do lodge Strangers in uplandiſh Towns, for 'whom



18 Caroli

Stat. ult. 1. E.  
3. cap. 5. ent  
in the Statute  
Rolls 1. E. 3.  
M. 29.Stat. 25. E. 3.  
cap. 8. entred  
in the Parlia-  
ment Rolls,  
5. E. 3. N. 23.  
Stat. 4. H. 4.  
cap. 13.  
Rot. Parliam.  
4. H. 4. N. 56.

whom they will not answer, and the Justices shall present also at every Parliament unto the King such Defaults as they have found, and the King shall provide Remedy therein. And from henceforth let the Sheriffs take good heed, and Bailiffs within their Franchises and without, be they higher or lower, that have any Bailiwick, Forrestry in Fee, or otherwise, that they shall follow the Cry with the Country; and after as they are bounden, to keep Horses and Armour so to do. And if there be any that do not, the Defaults shall be presented to the Justices assigned, and after by them to the King, as before is said, and the King shall provide Remedy. And the Statute made in the first Year of *Edw. 3. cap. 5. Stat. M. 29.* which followeth in these Words.

*Item,* The King willeth, that no Man from henceforth shall be charged to arm himself, otherwise than he was wont in the time of his Progenitors, Kings of *England*: And that no Man be compelled to go out of his Shire but where Necessity requireth, and sudden coming of strange Enemies into the Realm, and that it shall be done as heretofore for Defence of the Realm, declares the Law to be the same Effect with the former: For here it's declared no Man can be charged with Arms, otherwise than as in Time of the King's Progenitors, or compelled to go out of his County, but in Case of actual Invasion. And to the same Effect is the Statute made 25. E. 3. cap. 8. which followeth in these Words. *Item,* It is accorded and assented, That no Man shall be constrained to find Men of Arms, Hoblers or Archers other than those which hold by such Services, if it be not by common Assent or Grant made in Parliament, for that is contrary to the Law of the Realm. And by another Act of Parliament made 4. H. 4. cap. 13. the former Acts of 1 E. 3. and 25 E. 3. are all confirmed, as may appear by the Statute taken out of the Parliament Roll it self, because that the printed Book doth not fully recite it, which followeth in these Words, *viz.*

To the thrice Excellent, thrice Renowned, and thrice Gracious Sovereign, our Lord the King: We, your poor Commons pray, That the Statute made in the first Year of the Reign of the Noble King *Edward*, your Grandfather, containing, That none shall be distrained to go out of their Counties but only for the Cause of Necessity, of sudden coming of strange Enemies into the Realm; and the Statute made in the 18th Year of the Grandfather, That Men of Arms, Hoblers and Archers chosen to go in the King's Service out of *England* shall be at the King's Wages from the Day they depart out of the Counties were they were chosen. And also the Statute made in the 25th Year of the Reign of the said Grandfather, That none be compelled to find Men of Arms, Hoblers nor Archers, other than those which hold by such Services, unless it be by common Assent and Grant made in Parliament, shall be holden formally, and kept in all Points safe, without being broke in any manner; and that none of us the said Commons be distrained to go into *Wales*, or elsewhere out of the Realm, contrary to the Form of the Statute aforesaid. And that all the Commissions and Writs made contrary to the said Statutes, and all the Indictments and Accusations, Obligations and Ties made by colour of the said Commissions or Writs, with all their Dependings and Circumstances thereof, may be revoked, cancelled, quashed, and disannulled for ever, as Things made against the Law, and that they may not be taken for an Example in time to come.

And if any of your Leige People be imprisoned by Force of the said Indictments or Accusations, that they be presently delivered, and the said Indictments held void.

The King consenteth to this Law with this, That always by Force or Colour of the Supplication, nor of any Statute thereupon to be made, the Lords, nor any other that have Lands or Possessions in the County of *Wales*, or in the Marches thereof, shall in no wise be excused of their Service and Devoiers due of their said Lands and Possessions, nor of any other Devoier or Things whereto they or any of them be especially bound to our said Lord the King, though that the same Lords and others have other Lands and Possessions within the Realm of *England*, nor that the Lords or other, of what Estate or Condition soever they be, that hold by Escuage, or other Services due to the King, any Lands and Possessions within the said Realm, be in no wise excused to do the Service and Devoiers due of the said Lands and Possessions; nor that the



An 1642.

Lords, Knights, Esquires, nor other Persons, of what Estate or Condition they be, which hold, and have of the Grant or Confirmation of our said Lord the King, Lands, Possessions, Fees, Annuities, Pensions, or other Yearly Profits, be not excused to do their Service to the Lord the King, in such manner as they are bound because of the Lands, Possessions, Fees, Annuities, Pensions, or Profits aforesaid. So that the Statutes before-mentioned were all confirmed by the Parliament, held not full one Year before this Statute of 5. Hen. 4. And by these Acts it clearly appeareth, That the King could not by the Law give Power to impose Arms upon the Subjects at Pleasure, or to compel them to be drawn out of their Counties.

And therefore the Commons of the Parliament of 5. Hen. 4. many whereof very probably served in the immediate Parliament before, when the Statutes aforesaid were confirmed, knew very well that the Commission of Array represented to them, could not bind them that had the Law and Strength of so many Acts of Parliament to protect them. But because the former Acts of Parliament did provide Remedy only for the Persons that were to be commanded, and not for the Commissioners that were to put those Commands in Execution, upon very great Pains. The Commons, for the Indemnity of those Persons, who under colour of those Commands, might probably be troubled and vexed by Fines or Imprisonments, thought it necessary to secure them, as well as themselves; and therefore pray'd that the Penal Clauses touching the Commissioners might be put out. And though many Commissions of Array did afterwards issue forth in the times of Hen. 4. Hen. 5. and Hen. 6. yet did not any Issue agreeable in Words and Manner with that corrected Commission, as may appear by the Patent-Rolls of those times; and the very next Commission that issued out after 5. H. 4. which was in the time of 6. H. 4. and is entered upon the Patent-Roll 6. H. 4. M. 15. Dorso, did not agree either in Words or Matter with that of 5. H. 4. and most of the Commissions that afterwards were issued vary from that, even in Substance; and assuredly had it been conceived in those times that the Form of the Commission agreed upon 5. H. 4. and there entred, had been by that Parliament enacted, they would not have issued out so many Commissions, especially in 6. H. 4. being the next immediate Year, of different Words and different Matters, which clearly made them void by that Statute of 5. H. 4. for the Statute doth ordain, That no Commission of Array should then after issue out otherwise, or in other Words than the Copy agreed upon, whereby all Commissions in other Words or other manner issued would be void, and not warranted by that Law, had it enacted that Commission; and that the Law then was, That no Person could be compelled to furnish and provide Arms and Horses, and go out of his County otherwise than is declared by the afore-recited Act of Parliament, doth not only appear by those Statutes, but by several Acts of Parliament made after 5. H. 4. The Statute made in the fourth and fifth Years of Philip and Mary, cap. 2. repeals all former Statutes concerning the finding of Arms, and all Penalties and Forfeitures touching the same; and by that Act settled the Proportions of Men, Horses and Arms that every Man was to find, according to the Value of their respective Estates, and sets down the Penalties and Forfeitures of such as should disobey. And this Law continued in force until the first Year of King James; but by a Statute made that Year, Cap. 25. the last mentioned Statute of the fourth and fifth of Philip and Mary (probably because of the great Proportion of Arms it did impose) was repealed, and by that Repeal the former Statute of 13. Ed. 1. was again revived; for that the Statute of the fourth and fifth of Philip and Mary that had repealed that Law, was repealed; and afterwards in the Parliament 21. Jac. cap. 28. the Statute of 13. E. 1. cap. 6. and of 33. H. 8. cap. 5. were both of them repealed, and then admitting the Commission of Array, as to finding of Arms *juxta statum & Facultates*, to be established by 5. H. 4. which might have some Colour to be Legal, as to that part for finding of Arms grounded upon the Statute of 13. E. 1. for that Statute which then was in force did enact the finding of Arms, *juxta statum & facultates*, in manner as there is expressed; yet when the Statute of 13. Ed. 1. is repealed, then that Commission is likewise repealed and become unwarrantable.

6. H. Rot. Pat.  
M. 15. Dorso.

4. & 5. P. &  
M. cap. 2.

Stat. 1. Jac.  
cap. 25.

Stat. 21. Jac.  
cap. 28.

Now



Now it is not probable that the Parliament of the first of King *James* would have repealed the Statute of the fourth and fifth of *Philip* and *Mary*, and that of the 21st Year of King *James* would repeal the Statute of 13 E. 1. and 33 H. 8. which in a moderate manner did proportion the Arms every Man was to find in certainty, and suffer an Act of Parliament to continue, that did establish a Power in the King without limitation, not only to impose Arms, but to command the Persons of the Subjects at pleasure, for such is the Power of the Commission of Array. And they had shewed very little Care of their own and the Subjects Liberty in the Parliament of the first Year of King *James*, to repeal the Statute of the fourth and fifth of *Philip* and *Mary*, that had repealed all former Statutes, Penalties, and Forfeitures touching finding of Arms, whereby (without question) the Commission of Array (admitting it to be established by Parliament) was repealed; and thereby to revive the Power of that Commission, which would have subjected the People to far greater Bondage. And surely had the Commission of Array been authorized by Act of Parliament, whereby Power is given to charge all sorts of Men without Distinction with Arms at the Discretion of the Commissioners, without limitation, and to train and exercise at pleasure without restraint, either of Time or Place; it was to little purpose to make the Statute of the fourth and fifth of *Philip* and *Mary*, Cap. 3. whereby the Penalty of ten Days Imprisonment, or the Payment of Forty Shillings is imposed upon such as do not appear at Musters, being summoned thereunto by the King's Commissioners, authorized for that purpose: And the Commissioners of Lord-Lieutenants, and Deputy-Lieutenants, so grievous to the People, and declared illegal in Parliament, had not been so often issued, and so much pressed upon them. If the Commission of Array, not much differing from it in Power, and not at all less grievous to the Subject, might by the Warrant and Authority of the Laws of the Realm have supply'd their Room.

But if all that hath been said had been omitted, the Illegality of this Commission is sufficiently cleared by two Statutes made in the King's Majesty's Reign that now is; the one being the Petition of Right, confirmed this Parliament, and the other enacted this present Parliament. For in the Petition of Right, the Lords and Commons do amongst other Things) set forth, That by the good Laws and Statutes of this Realm, the Subjects have inherited this Freedom, That they should not be compelled to contribute to any Tax, Tallage, Aid, or other like Charge, not set by common Consent in Parliament, then they complain, That divers Charges have been laid and levied upon the People in several Counties by Lord-Lieutenants, Deputy-Lieutenants, Commissioners for Musters, Justices of Peace, and others by Command and Directions from his Majesty, or his Privy-Council, against the Laws and free Customs of the Realm, so that the Law there declared was, That none could be compelled to contribute to any Tax, Tallage, Aid, or other like Charge but by Consent in Parliament: The breach of that Law to be, for the divers Charges were laid upon the People by Lords-Lieutenants, Commissioners for Musters, and others, by Command or Directions from his Majesty, which comprehends the Case in Question: For here is a Tax or Charge imposed upon the People, by compelling them to find Arms. This Charge is imposed by Command and Direction from his Majesty, for it is by Commission under the Great Seal, and all this without the Consent of the Lords and Commons in Parliament; so within the Words of the Petition of Right. And it is very well known, and it doth sufficiently appear, that the Charges there mentioned to be laid by Lords-Lieutenants, and Deputy-Lieutenants, where the charging of the Subjects with Arms against Law, by colour of their Commission from his Majesty. The other Statute made this Parliament, entituled, *An Act for the better raising and levying of Soldiers for the present Defence of the Kingdoms of England and Ireland*: In the Preamble declares in these Words, viz. 'Whereas by the Laws of this Realm, none of his Majesty's Subjects ought to be impressed or compelled to go out of his County to serve as a Souldier in the Wars, except in case of necessity, of the sudden coming in of strange Enemies into the Kingdom; or except they be otherwise bound by the Tenure of their Lands or Possessions.

18 Caroli.

Stat. 4. & 5.  
P. & M. cap. 3.Petition of  
Right 3 Car.

And



An. 1642.

And that this Commission is directly contrary to this Declaration, is so evident, that it requireth no Application: So that upon the whole Matter, the State of the Case in Question stands thus:

By divers Acts of Parliament, made in the Times of King *Edward* the First, King *Edward* the Third, and confirmed by a Statute in the Fourth Year of *Henry* the Fourth, the Subject was not compellable to find any other Arms than was declared by those Statutes; or to go out of their County, but in case of actual Invasion by Foreign Enemies. And by an express Clause of the said Statute of Confirmation, none of the People were to be distrained to go into *Wales*, or elsewhere, against the Form of the said Statutes. And that all the Commissions and Writs, made contrary to the said Statutes, and all Indictments, Accusations, Bonds, and Things done by colour of the said Commissions or Writs, with all their Dependencies and Circumstances, should be revoked, cancelled, quashed, and made void for ever, as Things done against the Law; and that they should not be drawn in Example in Time to come.

*Vide, The*  
Form of one of  
them hereun-  
to annexed.

Then in *October* following, divers Commissions, expressly contrary to those Statutes issued out to several Counties of this Realm. In *Hillary* Term next following that *October*, another Parliament was called, and then a Copy of that Commission was delivered to the Commons, who complained only of divers dangerous Clauses contained in the same that concerned the Commissioners, for whom no Provision at all was made by any the former Acts of Parliament, and those Clauses only put out by the Commons, who desire that no Commission thereafter should issue out otherwise, or in other Words than are contained in the said Copy. But take no further care of themselves, knowing very well, that as to the Power of charging them with Arms, Training, and Exercising of them, and commanding them out of the Countries, the same was sufficiently provided for in the Parliament before being, all within the compass of a Year, for that Parliament was summoned in *Michaelmas*, 4 *H* 4. And it is to be observed, That the Commission of Array awarded before that Parliament was, at, or about the very Time the Kingdom was invaded by Foreign Enemies. The *French* having assaulted the *Isle of Wight*, and burned *Plymouth*; and the *Scots* having entred the North Parts of the Kingdom, which probably was the Reason the Commons did not complain against the issuing of that Commission; but as they do not complain, so do they not give it any Establishment by *Parliament*.

And the Law thus continued untill 4 & 5 *Phil.* and *Mary*, which repeals all Statutes touching the finding of Arms, and provides for it in a special manner.

Then that Statute of *Phil.* and *Mary* was repealed, 1 *Jac.* whereby all the former Laws were again revived; then the Statutes of 13 *E.* 1. and 33 *H.* 8. were repealed by 21 *Jac.* So that the Pretence of the Legality of the said Commissions, endeavoured to be justified by the afore-mentioned Proclamation, doth now appear vain and unwarrantable.

And though by the said Proclamation it is alledged, that the Power of granting such Commissions for the Defence of the King and Kingdom, is inherent to the Crown, and warranted by Precedents of the like Commissions in all Ages, both before and since *Magna Charta*. The Penner of that Proclamation must produce those Precedents, and make void divers Acts of *Parliament* herein before quoted that prove the contrary, or surely he cannot expect to be believed.

It is true, some Precedents he may produce of Commissions of Array, before 5 *H.* 4. For divers issued out in divers Kings Reigns, and for the most part they were warranted by particular Acts of *Parliament*. For 13 *E.* 3. it appeareth by the *Alncan.* Roll. *M.* 8, 15. that divers Commissions of Array did issue; but 16 *Dors.* those Commissions were warranted by an Act of *Parliament* made that Year for that purpose, as appears by the *Parliament* Roll. 13 *E.* 3. 1, 2. *N.* 39. And the next Year after, divers Commissions of the like Nature did issue forth, and a special Act of *Parliament* to warrant the same, as appeareth by the *Parliament* Roll. 14 *E.* 3. 1, 2. *N.* 36, and 41. And in the Roll of *Scotland*, 14 *E.* 3. *N.* 6. 22, 47, 50, 53, 54 and 14 *E.* 3. 3 *M.* 2. *Dorso.* But how far this may warrant the Legality of the Commission in question, let the World judge.

Neither

Rot. Parl. 13.  
*E.* 3. *M.* 8 15,  
16. *Dors.*

Rot. Parl. 13  
*E.* 3. 1, 2.  
*N.* 39.



Neither can he find any Opinion of Sir George Crook, or Sir Richard Hutton, in their Arguments of Mr. Hambden's Case, to prove the Legality of the Commission in question. And it is much wondered how the Penner of that Proclamation can warrant that Commission by the Statute of the 4th and 5th of *Phil. and Mary*, Cap. 3. or where in that Statute he finds any Power to compel Men, against their Wills, to provide Arms to Train and Muster at pleasure; to be commanded out of their Counties, and to be imprisoned during pleasure. It is true, by that Statute it is ordained, That if any Person that shall be commanded to Muster, before any Person authorized for the same by Commission from the King, do absent himself, or do not bring with him his best Furniture or Array, as he then shall have in readiness, he shall be imprisoned for ten Days, or pay 40 s. But the Power to charge him with Arms, or to command to Exercise and Train, or to imprison him for Disobedience during Pleasure; the Penner of that Proclamation must find some where else, for he cannot find it in that Statute.

Upon all which it followeth, that the Commission of Array now lately issued forth, is not warranted by any Act of Parliament, is contrary to the Law and Customs of the Realm, destructive to the Liberty and Property of the Subject, contrary to the Petition of Right, and the said Statute made this present Parliament.

Rotulus Parliamenti tent': Apud Westmonasterium in Cra-  
stino Sancti Hillarii, Anno Regni Regis *Henrici* Quarti, post  
conquestum Quinto.

**I**tem : Touchant la Commission de Larraie, pur les plusours  
foz faitures, & autres diverses clauses & paroles comprises en  
ycel, que seurent trop grebouses damageouses, & perillouses pur  
les Commissioners, nomez en m' la Commission es diverses  
Countees Dengleterre; dout la copy feust liberee as ditz Com-  
mons pur ent estre advisez, & de le corriger solenc' leur entenci-  
ons. Mesmes les Commons eue sur ceo deliberation & advys,  
firent canceller' certenis clausis & parols compriez en ycelle, &  
prierent au Roy que desore enavant nul Commission de Larraie  
isseroit autrement, ne en autres parols que nest contenez en la  
dic' copy; & que des ditz Commissioners, lur Heires, Execu-  
tors, ou Terretenants per cause daucuns forfaitures, ou peynes  
ou aucuns autres choses compriez en la dic' Commission, soyt  
ou soient desore aucunement molestez, grebez, endamagez, ou  
empeches en aucun temps advenir: Quel prier nostre dic' Sieur  
le Roy, de L'advys de Sieurs, eue sur communication ouesque  
les Judges du Royalme, molt graciousement ottroia en Parlia-  
ment: de quel copie le tenure sensute en cestes paroles.

Touchant la  
Commission  
de Larraie 24.

*The Copy of the Statute of 5 Hen. 4. whereby the Commission of  
Array is supposed to be warranted, translated into English.*

**I**tem : Touching the Commission of Array, for the many Forfeitures, and  
divers other Clauses and Words comprised in the same, which were grie-  
vous, hurtful, and dangerous for the Commissioners named in the same Com-  
mission, in divers Counties in *England*; the Copy whereof was delivered to the  
said Commons to be thereupon advised, and to correct it according to their  
Intentions: The said Commons having had Deliberation and Advice upon it,  
caused certain Clauses and Words comprised in the same to be cancelled; and  
prayed the King, that hereafter no Commission of Array issue out otherwise,  
nor in other Words than are contained in the said Copy; and that none of the  
said Commissioners, their Heirs, Executors, or Tenants, by reason of any For-  
feitures,

Touching the  
Commission  
of Array 24.



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feitures, or Penalties, or any other Things comprized in the said Commission; be, or hereafter be any ways molested, grieved, endamaged, or impeached in any Time to come: Which Prayer our said Lord the King, by the Advice of the Lords, having hereupon Communication with the Judges of the Kingdom, most graciously granted in Parliament: Of which Copy the Tenour followeth in these Words:

## R E X, &amp;c.

The Form of  
a Commission  
of Array in  
K. H. 4's time,  
referred unto  
in the prece-  
dent Decla-  
tion.

**D**ilectis & fidelibus suis Thomæ Sackvill, Johanni Castellon, Johanni Reynes, Johanni Teringham, Richardo Darches, Wilhelmo Molyns, Johanni Boys, Edmundo Hampden, Simoni Darches, Rogero Dayrell, Rogero Chinæ, Edmundo Brudenel, Johanni Barton, Seniori, & Richardo Wyott, at vic' nostro Buck. salutem Sciatis, quod cum quidam inimici nostri Regnum nostrum Angliæ, cum posse non modico, presentibus treugis non obstantibus, jam tarde hostiliter ingressi fuerint; & in diversis partibus ejusdem Regni combusserent. Nos malitiæ hujusmodi inimicorum nostrorum, si regnum nostrum, prædict' iterato invadere presumpserint, quod absit, gratia nobis favente divina, resistere, ac pro salvatione & defensione nostri, ac Regni prædicti, & ligeorum nostrorum ejusdem disponere & ordinare volentes, ut tenemur, Assignavimus vos conjunctim & divisim ad arraiandum & triandum omnes & singulos homines ad arma, ac homines armatos, & Sagittarios in Com' prædict' commorantes infra libertates, & extra; & ad armari faciendum omnes illos qui de corpore sunt potentes & habiles ad armandum, qui de suo proprio habent, unde seipsos amare possunt; videlicet, quilibet eorum juxta statum & facultates suas, & ad assidendum, & apporciand', juxta avisa-ment', & discretiones vestras; ac etiam ad distrigend' omnes illos qui in terris, & bonis sunt potentes, & pro debilitate corporum, ad laborandum impotentes, ad inveniendum juxta quantitatem terrarum, & bonorum suorum, & prout rationabiliter portare ponerunt, Salvo statu suo, armaturas hominibus ad arma, & hominibus armatis, ac arcus & sagittas: Ita quod illi qui morabuntur, seu morari poterunt ad domum suam propriam in patria sua, super defensionem ejusdem Regni, contra inimicos nostras, (si periculum eveniat) non capiant vadia nec expensas pro mora sua apud domus suas præd' & ad dictos homines ad arma ac homines armatos & Sagittarios sic arraiatos & munitos, continue in arraiatione, ut in millenis, centen' & vinten' & alias prout conveniens fuerit & necesse teneri & poni faciend' & eos tam ad costeram Maris quam alia loca ubi & quoties necesse fuerit, ad dictos inimicos nostros expellend' debelland' & destruend' de tempore in tempus cum aliq' periculum immineat, mandand' & injungend' & ad monstrum sive ad monstrationem eorundem hom' ad arma ac hominum armatorum, ac Sagittar' de tempore in tempus quotiens indiguerit diligenter faciend' & super intend', ac etiam ad Proclamand' ordinand' & diligenter examinand' quod omnes & singuli hujusmodi homines ad arma & homines armati & Sagittarii in monstris hujusmodi armaturis suis propriis, & non alienis armentur, sub pœna amissionis eorund', exceptis duntaxat illis qui ad expensas aliorum armari debent, ut prædict' est: & ad omnes & singulos quos in hac parte inveneritis contrarios seu rebelles, arrestand' & capiend' & eos in prisonis nostris committend' in eisdem moratur quousque pro eorum punitione aliter duxerimus ordinand': Et ideo vobis & cuilibet vestrum restrictius quo possumus super fide & ligeancia quibus nobis tenemini injungimus & mandamus quod statim visis præsentibus, vos ipsos melius & securius quo poteritis arraiari & parari, & co-

ram



ram Vobis ad certos dies & loca quos videritis magis competentes & expedi-  
entes, & pro populo nostro minus dampnosos omnes homines in Patria com-  
morantes per quos arraiatio & munitio hujusmodi melius fieri & compleri  
poterunt, venire & vocari fac', & eos arraiari, armari & muniri, &  
eos sic arraiatos & munitos, in arraiatione hujusmodi teneri fac'. Et insu-  
per singna vocata Beacons poni fac' in locis consuetas per quæ gentes patriæ  
de adventu inimicorum nostr' poterunt congruis temporibus premuniri, &  
eosdem homines sic arraiatos & munitos cum periculum imminuerit, in de-  
fensione Regni & patriæ præd' de tempore in tempus, tam ad costeram  
Maris, quam alia loca ubi magis necesse fuerit, duci fac'. Ita quod pro  
defectu defensionis, arraiationis, sive ductionis dictorum hominum, vel per  
negligentiam vestram Dampna Patriæ prædic' per inimicos nostros amodo  
non eveniant ullo modo pro posse vestro. Damus autem Universis, & singulis  
Comitibus, Baronibus, Militibus, Majoribus, Ballivis, Constabulariis, Mini-  
stris, & aliis fidelibus & ligeis nostris Com' præd' tam infra libertates  
quam extra, tenore præsentium firmiter in mandatis quod vobis & cuilibet  
vestrum in omnibus & singulis præmissis faciend' & explend' intendentes  
sint, consulentes & auxiliantes : & tibi præfat' vic' quod ad certos dies &  
loca quos ad hoc ordinaveritis venire fac' coram vobis omnes illos in Com'  
præd' per quos arraiacio, assessio & ordinatio melius poterunt fieri & com-  
pleri, & illos quos pro Rebellionem sua capi & arrestari contigerit, in pri-  
so nostra custodiat, sicut prædictum est. In cujus rei, &c. T. R. apud  
Westmon' xx. Die Octobris.

18 Car.

To this Declaration of the Two Houses, his Majesty replied, and the  
Houses rejoined; which being very large, are referred for the  
Appendix.

On Saturday, June the 4th, 1642. the Earl of Stamford, (appointed  
by the Two Houses of Ordinance for settling the Militia, Lord-Lieute-  
nant of Leicestershire,) came to Leicester, and issued out Warrants to  
all the Head-Constables, to summon all the Trained-Bands; and desi-  
red all the private Men within their several Divisions, to appear bef re  
him or his Deputies, at the Town of Leicester on Wednesday follow-  
ing.

The very same Saturday came a Messenger from York with a Writ  
to the Sheriff, to publish his Majesty's Proclamation to the contrary:  
Yet the Warrants being sent out, the Country came in to the Earl,  
who appointed to Muster them at five several Places of the County,  
on so many distinct days, for their greater Ease and Conveniency.  
Whilst he was doing this, Sir Richard Hawford, Sir John Bale, John  
Pate, Esq; and others, had prevailed with the Mayor of Leicester to set  
a Guard upon the Magazine left there; whereupon the Earl, accompa-  
nied with the Lord Ruthen, Sir Arthur Hazlerig, &c. hastened thither,  
and removed the said Magazine, first to a strong Tower called Newark-  
Gate, and afterwards to the Earl of Stamford's House.

On Wednesday, June the 15th, the Earl of Huntington's Son, Henry  
Hastings, Esq; (in the before-recited Commission of Array, named) arri-  
ved at Leicester with his said Commission; and the next Day caused  
the Under-Sheriff (in the absence of the High-Sheriff) to send forth  
Warrants in the High-Sheriff's Name, to the whole County, That as  
well the Trained-Soldiers, as private Men, and the Clergy, should come  
thither on the Wednesday following, to be mustered according to his  
Commission.

Bickerings in  
Leicestershire,  
between the  
Commission-  
ers of Array  
and the Lord  
Stamford, in  
June, 1642.



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On *Monday* following, the Earl of *Stamford* set a Guard about his House of 150 of his Neighbours, Tenants, and Servants. On *Tuesday*, early in the Morning, a Messenger, by Warrant from the Two Houses, did Attach the *Under-Sheriff*, for sending forth Warrants, by virtue of the *Commission of Array*, and with a sufficient Guard carried him up to *Westminster*. That Afternoon Mr. *Hastings* went to *Loughborough*, and sent out other Warrants himself, to Summon all the Towns near him to come in thither next Morning; and being Master of certain Cole-Mines, he caused all his Horses belonging to the Carriages, to be in a readiness, and raised 100 Colliers out of *Derbyshire*, whom he armed with Pikes, Musquets, and Calievers; and with them, and what other Friends and Followers he could make, marched, with Drums and Colours, towards *Leicester*; and being come within Three Miles thereof, caused Powder, Match and Bullet, to be delivered amongst them; and ordered the Musqueteers to charge with Powder and Ball, and march with lighted Matches; and in this Posture led them into *Leicester*.

The Earl of *Stamford* had Intelligence of his March; and being furnish'd with 150 Musqueteers, and twenty good Horse, well mounted with Carabines and Pistols, and the Country generally at his Devotion, could have laid an Ambuscade, and cut them off by the Advantage of the way: But he was loth to begin a War, and therefore chose rather to stand upon his own Guard at Home. Mr. *Hastings* drawing his Company out into the Field, few of the Trained-Bands meeting him, according to his Summons, made a Speech, and began to read his *Commission of Array*, But the High-Sheriff caused the Votes of the Parliament against that Commission to be read; and the Messenger from the Two Houses attached the said Mr. *Hastings*, and several other the Commissioners that were with him; but they were rescued from him, and Two Butchers throwing Mr. *Hastings* on Horseback into his great Saddle, he rode with his Company to his Inn, and shut up the Gates; and hearing what Men the Lord *Stamford* had in readiness, and concluding, that the Sheriff would require his Aid, about Midnight left the Town; but his People lost most of their Arms, for by Directions from the Earl of *Stamford*, the House-keepers, whilst they were asleep, seized on their Arms, which were sent to the said Earl's House, viz. one great Saddle, three Petronels, about an hundred Pikes, one Launce, above sixty Musquets and Calievers, about twenty Swords, and four long Pieces of about seven Foot in length. For this Action, the Earl of *Stamford* was proclaimed Traitor by the King, but justified by the Two Houses.

### By the KING.

*A Proclamation against the forcible seizing, or removing, any the Magazine or Ammunition of any County; and concerning the Execution of the Militia within this Kingdom.*

July 14, 1642.  
The King's  
Proclamation  
concerning  
the Militia &  
the Array.

WHEREAS by our Proclamation of the 27th of *May* last, in pursuance of, and according to the Laws and Usages of this Realm, we did, in our Care of the Peace of the Kingdom, command all our Sheriffs, and all Colonels, Lieutenant-Colonels, Serjeants-Majors, Captains, Officers and Soldiers belonging to the Trained-Bands of this our Kingdom; and all

High



High and Petty Constables, and other Officers and Subjects, not to muster, levy, raise or march, or to summon or warn upon any Warrant, Order or Ordinance from one or both Houses of Parliament (whereto we had not, or should not give our expresse Consent) any of our Trained-Bands, or other Forces, to raise, muster, or march, or exercise without expresse Warrant under our Hand, or Warrant from our Sheriff of the County, grounded upon a particular Writ to that purpose under our Great Seal. And we did thereby publish, in case any of our Trained-Bands should rise or gather together contrary to that our Command, we would then call them in good time to a strict account, and proceed legally against them as Violators of the Laws and Disturbers of the Peace of the Kingdom.

And whereas we did likewise by our Proclamation of the 18th day of June last, for the Reasons therein expressed, charge and command all our Officers and Ministers, that they should use their utmost Endeavours for the suppressing of all Levies and Forces raised or to be raised without or against our Consent; as also all our other loving Subjects, that they should be attending, aiding and assisting our said Officers and Ministers therein.

And whereas we have awarded in the several Counties of our Kingdom of England and Dominion of Wales our several Commissions of Array, thereby giving power to several Persons of Honour, Reputation and Estate in the said Counties, for the Safety and Defence of us, our Kingdom, and our good Subjects from time to time, as it shall be needful, to Array, Train, Arm and Muster our Subjects inhabiting in the said Counties, and in case of imminent Danger, to conduct and lead them for the Destruction of our Enemies, and in Defence of our Country and Kingdom; whereof by our Proclamation of the 20th day of June last, we gave notice to all our Subjects, and did thereby further charge and command all our Officers and Ministers, and other our loving Subjects, that they be attending, aiding, and assisting, counselling, and at the Commandment of the Commissioners, as they would answer the contrary at their utmost Perils; and we did thereby declare, That whosoever, after that our Proclamation published, should do any thing in Opposition of our said Commissioners by disobeying their Commands, according to the Law, or putting in execution any other Command concerning the Militia of our Kingdom contrary to Law, we should account them unworthy of Grace and Mercy; and such as must expect that Justice (how penal or capital soever it be) should be done upon them according to their Demerits.

Since which time We understand, some ill-affected Persons intending the disturbance of the Peace of this Kingdom, and the weakning and impairing of our Strength, under colour and pretence of some Order or pretended Ordinance of one or both Houses of Parliament, without Our Consent, or without any Commission or Warrant from Us, have in great numbers forcibly seized upon, and taken into their own Hands and Power some part of the Magazine and Ammunition, provided and placed for the Safety and Defence of this Kingdom, and carried the same, from the place where the same was by common Consent formerly laid up, to their own Houses or Possessions; and have also taken into their possessions, and disposed at their pleasures the Arms of divers of the Trained-Bands without their Consent, whereby they are unarmed (what occasion soever shall happen) for the Defence of Us and Our Kingdom; and have threatned and endeavoured to arrest, apprehend, and imprison, or procure Warrants for the apprehension, arresting and imprisoning of some of our Subjects, for obeying some of our said Commissioners in their Commands, according to the Tenors of their said Commissions, or for endeavouring to suppress Levies or Forces raised without our Consent, or for refusing to obey the Orders, or pretended Ordinances of one or both Houses of Parliament, made without our Consent, concerning the Militia of Kingdom, which We cannot interpret to be less than Endeavours (as much as in them lieth) of levying War against Us, and discouraging our Subjects from assisting Us in the just and necessary Defence of our Self and Kingdom.

We do therefore by this Proclamation expressly charge and command all our Sheriffs, Justices of the Peace, Mayors, Bailiffs, Constables, and all other our Officers and Subjects whatsoever, upon their Allegiance, and as they tender



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the Peace of this Kingdom, not to seize, remove, displace, or intermeddle with the Magazine or Ammunition of or belonging to the several respective Counties of this our Kingdom of *England*, or Dominion of *Wales*, or any of them, or any part thereof, upon any such Order or Ordinance made by one or both Houses of Parliament, whereunto we have not, or shall not first give our expresse Consent.

And we do likewise charge and command all our said Officers and Ministers, and other our Subjects whatsoever, that they use their utmost Endeavours (as in their Duties they are bound) for the arresting and apprehending of all such Persons, as shall with any manner of Force by colour of any such Order or Ordinance made or to be made by either or both Houses of Parliament, without or against our Consent, detain or keep any Magazine, remove, displace, or shall hereafter under colour of such Order or Ordinance made or to be made, seize, remove, displace, or intermeddle with the Magazine or Ammunition of or belonging to the several and respective Counties of this our Kingdom of *England*, or Dominion of *Wales*, or any of them, or any part thereof, or with the Arms of any of our Trained-Bands there; or as Commissioners or Commanders, shall hereafter put in Execution any such Order or Ordinance made, or to be made, by either or both Houses of Parliament, without our Consent, concerning the *Militia*, by Levying, Arraying, Training or Mustering any of our Subjects, or who shall by colour of any such Order or Ordinance of either or both Houses of Parliament, made or to be made, apprehend or arrest any of our Subjects, for endeavouring to suppress any Levies or Forces raised or to be raised without our Consent, or for refusing to obey the said Orders, or pretended Ordinance, touching the *Militia*, and also for the arresting and apprehending of all such Persons, as for the advancing or countenancing of the Execution of any such Order or Ordinance, made or to be made without our Consent concerning the *Militia*, shall actually endeavour to apprehend or arrest any of our Subjects, for obeying our Commissioners of Array in their lawful Commands, according to the Tenour of their said Commissions respectively, and the said Offenders to arrest and apprehend, to carry to the common Goal of the said County, where the said Offenders shall be so apprehended or arrested, there to remain 'till they shall be delivered by due course of Law.

Given at our Court at *York*, the 4th day of *July*, in the Eighteenth Year of Our Reign, 1642.

*A Copy of the Commission of Array granted to the Marquess of Hertford.*

CHARLES R.

Earl of Hertford's Commission of Array, Aug. 2, 1642.

CHARLES by the Grace of GOD, King of *England*, *Scotland*, *France* and *Ireland*, Defender of the Faith, &c. To Our Right-Trusty, and Right well-beloved Cousin and Counsellor, *William Marquess of Hertford*, Greeting,

Whereas there are now, at and near the City of *London*, great Forces levying, and Monies raising by way of Contribution, and otherwise, towards the Charge of raising and maintaining an Army, or Forces, by Order of our two Houses of Parliament; not only without our Consent, but contrary to our several expresse Commands, published by several Proclamations, Letters, and otherwise: And the same Forces are actually in so much forwardness, as that there are divers Horse-men daily exercised and trained in places about our said City of *London*; and great Numbers of Foot raising, and a General, and other principal Officers declared. We have found it necessary to levy and raise Forces, for the Defence of the Protestant Religion, our Person, the two Houses of Parliament; and for the Laws of the Land, the Liberty and Property of the Subject, and Privilege of Parliament. And for the special Trust and Confidence we have and do repose in your approved Wisdom, Fidelity Valour, and



and great Ability, do Name, Assign, Constitute, and Ordain, you the said William Marquess of Hertford, to be our Lieutenant-General, of all such Forces, as by virtue of this our Commission shall be levied and raised, or by virtue of this our Commission shall be brought unto you, within all or any our Counties of Devon, Cornwall, Somerset, Dorset, Southampton, Gloucester, Berks, Oxon, Hereford, Monmouth, Radnor, Brecknock, Glamorgan, Carmarthen, Pembroke, Cardigan; and in our Cities of Exeter, Bristol, Gloucester and Oxford, and the Counties of the same: And likewise in our Cities of Bath and Wells, New Salisbury and Hereford; and also in our Towns of Pool, Southampton, and Haverford West, and the Counties of the same Towns.

And therefore we do give you full Power and Authority, in case of any Invasion, Insurrection and Rebellion, or any of them; and for the suppression or prevention of acting, or further executing the same, to raise and levy Forces as well of our Trained-Bands as others, within all, or any of the said Counties and Places, as well within Liberties as without, meet and apt for the Wars. And likewise to command and enjoin the Commissioners of our Commissions of Array, and Sheriffs of our said several Counties; and all our Lieutenants which are, or shall be of or for our said several Counties, and every or any of them respectively, from time to time, according to such Direction as you shall receive from Us, or as you in your good Discretion, for the Purposes aforesaid, shall think fit to send, or cause to be sent unto you such Numbers of our said Subjects, apt and meet for the Wars, armed and arrayed as aforesaid, to such place or places, and at such Times as shall be directed by Us, or as you by your Wisdom and good Discretion for our said Services shall require; or from our said Commissioners, Sheriffs, or Lieutenants, to be sent, brought, or conducted unto you.

And we do further by these Presents, give you full Power and Authority, to Try, Array, and put in readiness the Persons so by you to be raised, levied, or assembled, sent, conducted, or brought unto you: And them also, and every of them after their Abilities, Degrees, and Faculties, well and so sufficiently cause to be armed and weaponed, and to take the Musters of them from time to time in places most meet for that purpose, after your good Discretion. And also the same our good Subjects so Arrayed, Tried and Armed, as well Men of Arms, as other Horse-men, Archers, and Footmen, of all kinds of Degrees meet and apt for the Wars, to conduct and lead, as well against all and singular Enemies, Rebels and Traitors, and every of their Adherents, attempting any thing against Us, our Crown and Dignity, in any of the said Counties or places, from time to time as occasion shall require; and the said Enemies, Traitors and Rebels, to invade and repress; and in case of Opposition or Resistance, to Slay, Kill, and put to Execution of Death, by all Ways or Means, according to your good Discretion; and to do, fulfil, and execute all other things which shall be requisite for the Levying, Conducting, and Government of the said Forces, for the Conservation of our said Realms and Subjects in Peace. And also we give you full Power and Authority to make, constitute and ordain Laws and Proclamations, from time to time, as the Case shall require, for the good Government and Order of all the Forces that shall be under your Command; and the same and every of them to cause to be duly proclaimed, performed, and executed against the said Enemies, Traitors and Rebels, and every of them, their, and every of their Adherents: And of such Offenders apprehended, or being brought into Subjection, to save whom you shall think fit to be saved. And our further Will and Pleasure is, and we do by these Presents give unto you full Power and Authority, in case of any Invasion of Enemies, Insurrections or Rebellions shall happen to be moved in any Place of this our Realm, within or without the Limits of this our Commission; that then (as often as Need shall require, by your good Discretion, or as you shall be directed by Us by any special Commandment) you with such Power to be levied within the Limits of this our Commission, as you shall think requisite, or as shall be directed from us, as is aforesaid, shall, with all diligence, repair to the place or places where any such Invasion, Rebellion, or Insurrection, shall be made to subdue, repress and reform the same, as well by Battle, or other kind of Force, as otherwise, according to the Laws of this our Realm, and according to your good Discretion. And our further Will and Pleasure is, and we do by these Presents give



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give unto you full Power and Authority, in case any Invasion of Enemies, Insurrections or Rebellions, shall happen to be moved in any of the said Counties, or Places, that then, and as often as you shall perceive any such Offences or Occasions to grow or arise, you, with all the Power you can make, shall, with all diligence, repair to the Place where any such Invasions, Insurrection or Rebellion shall happen to be made; and to subdue, repress, and reform the same, and every of them. And we do give full Power and Authority to you, for the Execution of this Commission, to appoint, and assign all Commanders and Officers, necessary and requisite for Government, and Command of our Army. And further also, that in case you shall in your Discretion think fit to divide, or dispose the said Forces by Land, or by Sea, into several Parts, That then you may, as often as occasion shall be, divide and dispose the same, for the purposes aforesaid, into such parts and places, at your pleasure; and appoint such Commanders over such parts of the said Forces, as in your Discretion you shall think meet. And we do further give and grant unto you, full Power and Authority for Us, and in our Name, (as occasion shall require according to your Discretion) by publick Proclamation, to make tender of our Royal Grace and Pardon, to all such Traitors and Rebels (if any shall be) as shall submit to Us, and desire to be received to our Mercy. And for the better Execution of this our Service, We do further give and grant to you full Power and Authority, (as occasion shall require) whensoever you shall (according to the intent of these our Letter-Patents) have an Army or Forces under your Command in our absence, to command all our Forts and Castles now fortified, or hereafter to be fortified in or near the parts or places, where the said Army shall be; and to remove, displace, or continue the Captains, Lieutenants, Commanders and Soldiers, as you shall think meet for the Good and Safety of this our Kingdom.

Wherefore we Will and Command you, our said Lieutenant-General, with all diligence, duly to execute the Premises with Effect: And whatsoever you shall do, by virtue of this our Commission, and according to the Tenour and Effect of the same, touching the execution of the Premises, or any part thereof, you shall be for the same by these Presents discharged in that behalf against Us, our Heirs and Successors.

And further, we Will and Command all and singular, our Lieutenants, Deputy-Lieutenants, Officers of our Ordinance, Justices of Peace, Mayors, Sheriff, Bailiffs, Constables, Headboroughs, and all other our Officers, Ministers and Subjects, meet and apt for the Wars, within the said Counties and Places to whom it shall appertain, That they, and every of them, from time to time, shall be attendant, aiding, assistant, and helping to you, and at the Commandment of you, as aforesaid, in the execution hereof, as they and every of them tender our Pleasure, and will answer for the contrary at their utmost Perils. Nevertheless, our Will and Pleasure is, That you the said William Marquess of Hertford, in the execution of this our Commission, shall from time to time, proceed according to such private Instructions, as are or shall be delivered unto you, under our Sign Manuel. In witness whereof, we have made these our Letters to be made Patents, and to have continuance during our Pleasure.

Witness, &c. our Self at York, the second of August, 1642.

*The King's Majesty's Instructions unto the Earl of Northampton, the Lord Dunsmore, the High Sheriff of the County of Warwick, and the rest of the Commissioners, for putting the Commission of Array in Execution in the said County of Warwick.*

CHARLES Rex.

Instructions  
for executing  
the Commission  
of Array.

HAVING by our Proclamations at large set forth the Occasions and Necessity of disposing and ordering the Militia of this Kingdom, and concerning the Legality of our Proceedings therein; We have, in pursuance of that Legal Power, and for the necessary Defence of Us, our Kingdoms, and your



your Country authorised you our Commissioners, or any three or more of you, by our Commission of Array, to array, and train all the Inhabitants in your County (as well within Liberty as without) which are of Body able, and Estate competent to bear Arms every one of them according to their Estates and Faculties, and to assess and distrain such as are able in Goods and Lands (and bear no Arms) to find Arms for other Men in a proportion suitable to their Estates (so that such Persons as are so arrayed for the Defence of the Kingdom take no Wages, nor Costs, so long as they stay at home) and to dispose of the Persons so arrayed into Regiments, Companies, or other Divisions as shall be convenient. We have also assigned you, or any three or more of you, whereof you *Spencer* Earl of *Northampton*, or you *Francis* Lord *Dunsmore* to be one, to command or enjoin our Subjects so arrayed, as well to the Sea-Coasts as other places, for Expulsion, Suppression and Destruction of our Enemies from time to time when need shall require.

We have also assigned you, or any three or more of you, from time to time to take view and muster of our said Men, and to proclaim, order and examine, that all our Men so array'd appear in such Musters with their own Arms (not other Mens) under pain of losing them, except only such as are to be arrayed at the Cost of other Men, as aforesaid.

And you are hereby authorized to arrest and attach all such Persons as Rebel or make Opposition, and commit them to our Prisons, there to remain till they be thence delivered according to Law, requiring you strictly upon your Allegiance, that forthwith upon the Receipt hereof, you cause your selves to be well and securely prepared and armed, and call before you at such days and places as shall be expedient, all such Persons, by whom such Array and Defence is to be prepared, so that they may be competently provided, arrayed, and armed; and that they continue in such Array. and also to provide and place Beacons in usual and convenient places, whereby our good People may receive timely Notice of all Invasions and Commotions, so that for defect of such Defence, Array, or Conduct by your Negligence, Damage accrue not to our People in any sort.

And we have likewise given strict Charge and Command to all Earls, Barons, Mayors, Bailiffs, Constables, and all other Officers of the Peace, and all our Liege People, that in all and singular the Premises they aid and assist you.

And to our Sheriff of our County, to whom you are to direct your Warrants, that he issue Warrants to the Constables to assemble our People, at such days and places, as you, or any three of you, shall ordain and appoint, and to keep and detain in Prison such persons as shall be committed for their Rebellion or Contempt herein (as more at large by the Commission appeareth.) And being unwilling in our princely Care for our People, to bring any increase of Charge upon them, we hope for the present it will be sufficient, that you only summon and train the ancient and free-hold Bands of the County (and your number be supplied with sufficient and able Persons) taking special care that they be well arrayed, and under Conduct of such Persons as are Persons of Quality, having considerable Estates and Interests in the County, and not Strangers, unless you find it shall be well-pleasing to our People, and for the necessary Defence of the Country to make any Augmentation of their Arms.

And you are to take Notice, That *Recusants* being disabled in Law to bear Arms, are to be assessed to contribute to find Arms for other Men; and if their Tenants that are Protestants bear Arms, you are to receive them. For the better knowledge of your particular Duties herein, you are all to take Copies of these Instructions, and to take Transcripts of our said Commission, the Original to remain with one of those of the *Quorum*; and of your Proceedings herein we expect a speedy and plenary Account.

The



An. 1642.

*The Lord Willoughby of Parham his Letter to a Member of the House of Lords, upon his being nominated by the Two Houses, Lord Lieutenant for the County of Lincoln.*

*My Lord,*

L. Willoughby's Letter  
June, 6, 1642,  
upon his being nominated Lord Lieutenant.

I Received a Letter from your Lordship, in which the House is pleased to do me a very great Honour, far above any Desert of mine, and little expected by me: For, my Lord, I well know my Obedience ties me to fulfil their Commands, and in that I have done, I have done but my Duty, and that which every honest Man ought to do, and oweth of right to the Parliament; and whosoever hath that Principle in him, it will dictate to him as much, and keep him from other by-ways. And for my own part my Heart ever was, and shall ever be both forward and ready to obey their Lordship's Commands in all things both with Integrity and Industry. And God's Curse light upon him and his that carries any other Heart about him. My Lord, it is too mean a way for me to express my acknowledgment in Paper for this high Favour which I have received by your Lordship's Letter. I hope to make it appear by my Actions that their Lordships see, I am not an ungrateful Servant. It is a great Encouragement to these parts, their Lordships Resolutions, in giving their Commands to have the rest of the *Militia* put in present Execution; and truly, my Lord, it was out of that regard that I did intimate it to my Lord of *Essex*, as holding it a thing much conducing to the publick Good, and the only Remedy to cure these Distractions which the Kingdom is in, not out of any regard to my self; for I know if I suffer in executing their Lordships Commands, it must be against their Wills, and when that day comes I will not give a *Straw* for what I have, were I but a Looker-on. My Lord, as I was this day at *Lincoln*, where I appointed to begin to muster, there came a Messenger from his Majesty with this Letter, which I held it my Duty to acquaint the House with, and likewise my Answer, and am for *Lincoln*, where, as in all other places, I shall be ready to serve your Lordship as your most humble Servant,

*F. Willoughby.*

My Lord, e'er my Letter was sealed up, I could not but give your Lordship an account in how good a Posture I found the Trained-Bands of *Lincoln*, which was far beyond my Expectation, considering the Unhappiness in the Sicknes, being dispersed in the Town which hindred the appearance of some. But truly, my Lord, that was fully supplied by a Company of Volunteers, equal in number and goodness of Arms to the Trained-Bands.

*His Majesty's Letter to the Lord Willoughby of Parham.*

CHARLES R.

King's Letter to the Lord Willoughby, requiring him not to meddle with the Militia, June 4, 1642.

Right Trusty and Well-beloved, we greet you well. Whereas we understand, That you have begun to assemble, train and muster the Trained-Bands of our County of *Lincoln*, under pretence of an Ordinance of Parliament, whereto We have not given Our Consent; which is not only contrary to Law, but to our Command and Pleasure, signified by our Proclamation sent to the high Sheriff of that our County: Wherefore that you may not hereafter plead Ignorance of such our Prohibition, We do by these our Letters charge and command you upon your Allegiance to desist and forbear to raise, muster, train, exercise, or assemble together any part of the Trained-Bands of our County, either by your self, or by any others employed under you, or by Warrant from you. And because you may for what you have already done concerning the *Militia* of that our County, plead that you had not so particular a Command, we shall pass by what you have already done therein,

so



“ so as presently upon your Receipt hereof you shall desist, and give over  
 “ meddling any further with any thing belonging to the *Militia* of that Our  
 “ County ; but if you shall not presently desist and forbear meddling therewith,  
 “ We are resolved to call you to a strict Account for your Disobedience there-  
 “ in, after so many particular and legal Commands given you upon your  
 “ Allegiance to the contrary, and shall esteem and proceed against you as a  
 “ Disturber of the Peace of Our Kingdom.

“ Given at our Court at *York*, June 4th, 1642.

*The Lord Willoughby of Parham his Letter in Answer to  
 his Majesty.*

S I R,

AS there can be nothing of greater Heaviness to me than to receive a  
 Command from your Majesty whereunto my Endeavours cannot give so  
 ready an Obedience as my Affections ; so I must confess the Difficulty at this  
 time not a little how to express that Duty which I owe to your Majesty's late  
 Commands, and not falsify that Trust reposed in me by your High Court of  
 Parliament, through whose particular Directions I am now come into this  
 County to settle the *Militia* according to the Ordinance of Parliament, which  
 by the Votes of my Lord *Littleton* and others in the House of Peers, better  
 vers'd in the Laws than my self, passed as a legal Thing, and hath since been  
 confirmed (and if I mistake not) by his Example and your Majesty's Chief  
 Justice Sir *John Banks*, both in accepting their Ordinance, and nominating  
 their Deputy-Lieutenants: How much farther they proceed, I know not.

Lord Willough-  
 by's Answer.

But, Sir, If the Opinion of those great Lawyers drew me into an Under-  
 standing unsuitable to your Majesty's liking, I hope the want of Years will  
 excuse my want of Judgment. And since the Command of Parliament, I am  
 now so far engaged in their Service as the sending out Warrants to summon  
 the Country to meet me this Day at *Lincoln*, and afterwards in other Places.  
 I do most humbly beseech your Majesty not to impose that Command on me,  
 which must needs render me false to those that rely on me, and so make me  
 more unhappier than any other Misery can befall me.

These Things, Sir, I once humbly beseech your Majesty may be taken into  
 your gracious Consideration, and that you would never be pleased to harbour  
 any Misconceit of me or of this Action, since nothing hath yet passed by my  
 Commands here, or ever shall, but what shall tend to the Honour and Safety  
 of your Majesty's Person, to the preservation of the Peace of your Kingdom,  
 and to the Content (I hope) of all your Majesty's Subjects in these Parts,  
 amongst which I remain,

Your Majesty's most humble and most dutiful Subject and Servant,

*F. Willoughby.*

*The Message of the Lords to the House of Commons, upon the Lord  
 Willoughby of Parham his Letter and Service in the Execution  
 of the Ordinance concerning the Militia.*

THE Lords have thought fit to let you know how much they value and  
 approve the Endeavours of this Lord in a Service so much importing  
 the Safety of this Kingdom, and they doubt not of your Readiness to concur  
 with them, upon all Occasions to manifest the Sense they have, and shall retain  
 of his Deservings, which appears the greater, by how much the Difficulties  
 (by those Circumstances you have heard read) have been greater ; and as my  
 Lords resolve to make his Interest their own in this Service, for the publick  
 Good and Safety of this Kingdom, so they desire you to join with them in so  
 good and necessary a Work.

Z z z z

Resolved



An. 1642.

Resolved by the House of Commons to join with the Lords in this Vote, and to make the like Resolution for the Deputy-Lieutenants for the County of *Lincoln*, and desire the Lords Concurrence therein. Ordered by the Lords in Parliament, that they agree with the House of Commons for the Resolutions concerning the Deputy-Lieutenants of the County of *Lincoln*.

*The Lord of Warwick's Letter to his Brother the Earl of Holland.*

BROTHER;

The Ordinance for the Militia put in Execution in *Essex*.  
June 7, 1642.

I N Obedience to the Order of both Houses of Parliament, I this Day repaired to *Burntwood*, (where about one fourth part of the Trained-Bands of *Essex* were appointed to meet) for putting of the Ordinance for the Militia in execution. I saw five Companies drawn out, being of the ordinary Trained-Bands, (and all that were designed for this Place, whose Numbers I found full, and their Arms compleat; for though about threescore Arms had been taken out of each Company, for the late Service about *Scotland*, yet a full Supply was made by Voluntiers; and one of the said five Companies (being under the Conduct of Sir *William Masham's* Son) was double to the usual List. A sixth Company was drawn out, which consisted of near five hundred able Men, who came as Voluntiers, under the Command of Sir *Thomas Barington's* Younger son. I caused the Declaration of both Houses made for their Indemnity, to be read at the Head of each Company: And required the Captains, Officers, and Soldiers to be obedient to such Directions as should be conveyed to them from me, or my Deputy-Lieutenants, according to the said Ordinance, for the Service of his Majesty and the Parliament, for the Defence of the Kingdom. To which they did unanimously manifest a Resolution and Respect, and a chearful Readiness therein to spend their Lives and Fortunes. Hereof I thought fit to give your Lordship this brief Account, praying you to communicate the same to their Lordships; I having desired my Deputy-Lieutenants to do the same to the House of Commons. I have this Day received a Petition from the Captains and Lieutenants of the several Companies here assembled, in the Name of all the Persons belonging to the said Trained-Bands, and with their full Consents expressed upon the reading of it, by their general Acclamations and Applause in their several Companies.

And so desiring from God a Blessing upon all your Counsels, I rest,

*Burntwood, June 7.*  
1642.

Your Lordship's Affectionate Brother,

WARWICK

*The Approbation of both Houses concerning the Militia in Essex.*

THE Lords and Commons in Parliament assembled, being advertised by the Lord-Lieutenant, and Deputy-Lieutenants of the County of *Essex* of the ready, full and forward Meeting of the Trained-Bands of that County, and of the chearful Access of a very considerable number of Voluntiers, at their first appearing, have thought fit to express unto them the good Sense they hold of their Proceedings, so much conducing to the general Safety of this Kingdom; and having likewise received from them a Declaration full of Affections and good Inclinations, to maintain our Religion, Laws, Liberties and Priviledges of Parliament, which they observe to be invaded by pernicious Counsels, as indeed they have been of late in a more dangerous and high manner than any Age can parallel: And having very prudently observed, in a right Understanding, that the Kingdom, and the King's Authority and Person can be no ways maintained, but by the upholding the Power and Priviledges of Parliament, as by the late



late Protestation they acknowledge themselves bound unto, against all contrary Counsels, Power and Force of Arms whatsoever. This just and faithful Resolution of theirs to the publick Good, the Lords and Commons do not only approve, but commend, assuring them, That as their Endeavours have been for the Peace and Happiness of the King and Kingdom, so they will persist in discharge of the great and publick Trust which lies upon them, to go through all Difficulties which may oppose the publick Peace and Welfare of this Kingdom; and will, upon all Occasions, be ready to express particularly to those Persons that respect which is due to Persons from whom they have received such Assurance of their Affections and Fidelities.

*A Declaration of the Lords and Commons in Parliament, Directed to the High-Sheriff of the County of Essex, and all other Sheriffs in general, within the Kingdom of England, and Dominion of Wales, Concerning his Majesty's Proclamation about the Militia.*

*Die Sabbati 18 Junii, 1642.*

**V**Hereas *Robert Smith*, Esq; now High-Sheriff of the County of *Essex*, hath lately received a Writ, bearing Date the 27th of *May*, in the eighteenth Year of his now Majesty's Reign; thereby commanding him to publish a Proclamation, whereby all his Majesty's Subjects belonging to the Trained-Bands, or Militia of this Kingdom, are forbidden to Rise, March, Muster or Exercise, by virtue of any Order or Ordinance of one or both Houses of Parliament, without Consent or Warrant from his Majesty, upon pain of Punishment according to the Laws. And whereas the said High-Sheriff hath now addressed himself to both Houses of Parliament, for Advice and Directions therein; conceiving the said Proclamation to be contrariant, and repugnant to the Ordinance and Judgment of both Houses of Parliament concerning the Militia. It is therefore declared, by the Lords and Commons in Parliament, (they intending nothing by the said Ordinance, but the Protection and Security of his Majesty's Person, the Defence of the Kingdom against Foreign Invasion, and the Preservation of the publick Peace, against Intestine Rebellions and Insurrections here at Home, the Maintenance of the Priviledges and Authority of Parliament, according to the Protestation) that the said Writ is Illegal; For that by the Constitution and Policy of this Kingdom, the King by his Proclamation cannot declare the Law, contrary to the Constitution of any of the Inferior Courts of Justice, much less against the High Court of Parliament: And likewise, for that this Writ forbids that to be done, which they are obliged unto by their Duty to God, their Allegiance to his Majesty, and the Trust reposed in them by the Common-Wealth, (the Law having intrusted them to provide for the Good and Safety thereof); and that the said High-Sheriff hath done nothing in forbearing to publish the said Proclamation, but according to his Duty, and in Obedience to the Order of both Houses: And he is hereby required, not to publish the said Proclamation, or any other Proclamations or Declarations of the like Nature, that concern the Parliament, without first acquainting the said Houses. And it is further declared, That the said High-Sheriff, and other Sheriffs of other Counties, within this Kingdom of *England*, and Dominion of *Wales*, for their Obedience to the Orders and Ordinances of Parliament; or that have, or hereafter shall do any thing in the Execution thereof, shall be protected by the Power and Authority of both the said Houses.

*John Brown*, Cler' Parliamentorum.

Z z z z z

Counties

Parliament's  
Declaration  
to Sheriffs,  
not to publish  
the King's  
Proclamation.  
June 18.  
1642.



An. 1642.

## Counties for the Parliament.

*Kent, Suffex, Surry, and Middlesex, and the Eastern-Counties, Suffolk, Norfolk, and Cambridgeshire, generally adhered, or at least submitted unto the Ordinance for the Militia; for though many of the Chief Gentry of those Counties were for paying Obedience to his Majesty's Commission of Array, yet the Free-holders and Yeomen being generally of the other side, as oft as they attempted to shew themselves, they were crush'd, and their Endeavours defeated.*

Lancashire.

The Lord *Strange*, Son to the Earl of *Derby*, was made by the King Lord-Lieutenant of *Lancashire* and *Cheshire*, and vigorously endeavoured to put the Commission of Array in Execution, but met with great Opposition from Sir *Thomas Stanly*, Mr. *Holland*, Mr. *Holcraft*, Mr. *Egerton*, and Mr. *Booth*; as also by Mr. *Ashton* and Mr. *Moor*, both Members of the House of Commons. On the 15th of *July*, 1642, the said Lord *Strange* made an Attempt to gain *Manchester*, but was repulsed; yet one Man by Name *Richard Percival*, was slain by my Lord's Forces (which some say \* was the first Blood drawn in those unhappy Wars.) Upon which afterwards the House of Commons caused the said Lord *Strange* to be Impeached, as followeth.

Tho. May's History, fo. 109.

*The Impeachment of James Lord Strange, and Son and Heir apparent of William Earl of Derby, by the Commons assembled in Parliament, in the Name of themselves and all the Commons of England, of High-Treason.*

Lord Strange's Impeachment, Sep. 16. 1642.

THAT the said *James*, Lord *Strange*, to the Intent and Purpose to subvert the Fundamental Laws and Government, of this Kingdom of *England*, and the Rights and Liberties, and very Being of Parliaments: And to set Sedition between the King and his People, did, upon the fifteenth Day of *July*, in this present Year of our Lord God, One thousand six hundred forty two, at *Manchester*, in the County of *Lancaster*, and at several other Times and Places, actually, maliciously, rebelliously and traiterously, summon and call together great Numbers of his Majesty's Subjects; and incite, perswade, and encourage them to take up Arms, and levy War against the King, Parliament, and Kingdom: That the said *James*, Lord *Strange*, in further Prosecution of his foresaid wicked, traitorous, and malicious Purposes, did, upon the said fifteenth Day of *July*, at *Manchester* aforesaid, and at several other Times and Places, actually maliciously, rebelliously and traiterously, raise great Forces of Men and Horse, and levied War against the King, Parliament and Kingdom. And in further prosecution of the aforesaid wicked, traitorous and malicious Purposes, the said *James*, Lord *Strange*, and divers other Persons whom he had drawn into his Party and Faction, did also, upon the said fifteenth day of *July*, at *Manchester* aforesaid, maliciously and traiterously, with Force and Arms, and in an hostile and warlike manner, kill, murder and destroy *Richard Percivall* of *Kirkman-Shalme* in the said County of *Lancaster*, Linen-Webster; and did then, and there, and at divers other Times and Places, in like hostile manner as aforesaid, shoot, stab, hurt and wound divers others of his Majesty's good Subjects, contrary to the Laws and Peace of this Kingdom of *England*, and contrary to his Majesty's Royal Crown and Dignity: And the said *James*, Lord *Strange*, hath set Sedition between the King and his People, and now is in open and actual Rebellion against the King, Parliament and Kingdom: For which Matters and Things, the Knights, Citizens and Burgeses of the House of Commons in Parliament assembled,



assembled, do, in the Name of themselves, and of all the Commons of *England*, impeach the said *James Lord Strange*, of High-Treason. And the said Commons, by Protestation, saving to themselves the Liberty of exhibiting at any time hereafter any other Accusation or Impeachment against the said Lord *Strange*, and also to replying of the Answers, that the said *James Lord Strange* shall make to the Premises, or any of them, or of any other Impeachment or Accusation that shall be exhibited by them, as the Cause, according to the Course and Proceedings of Parliament shall require, do pray, that the said *James Lord Strange* may be put to answer all and every the Premises, that such Proceedings, Examinations, Tryals, and Judgments, may be upon them, and every one of them had and used, as shall be agreeable to Law and Justice.

18 Car.

Veneris 16 September, 1642.

**W** Hereas the Lord *Strange* having continued a long Time, and still remaining in actual Rebellion against his Majesty and the Parliament, is for the same impeached of High-Treason by the House of Commons, in the Name of themselves, and all the Commons of *England*: It is therefore Ordered, by the Lords and Commons in Parliament Assembled, That Publication thereof be made in all Churches and Chappels, by the Curates and Church-wardens thereof; and in all Markets and Towns, by the Constables and Officers of the Towns within the Counties of *Lancaster* and *Chester*, to the end that all his Majesty's loving Subjects may have Notice thereof, lest they being deceived by the specious Pretences made by the said Lord *Strange*, should assist him with Men, Money, Munition, or any other Provision, and so make themselves guilty of the like Treason and Rebellion: And all Sheriffs, and other his Majesty's Subjects, are hereby required to do their best Endeavour for the Apprehension of the said Lord, and the bringing him up to the Parliament, there to receive condign Punishment according to his Demerits.

An Order to apprehend the Lord *Strange*.

His Majesty's Instructions to his Commissioners of Array, for the several Counties of *England*, and the Principality of *Wales*; and to be observ'd by all Sheriffs, Mayors, Justices of the Peace, Bailiffs, Headboroughs, Constables, and all other his Majesty's loving Subjects whatsoever.

**W** Hereas a desperate and dangerous Rebellion is raised, and an Army marching against us, and such other of our good Subjects, whose Loyalty and Affection is eminent unto us in several Counties of the Kingdom, under pretence of some Authority from both our Houses of Parliament, and the same is done as by our Consent, and for the Safety of our Person, whereby many of our loving Subjects are misled and engaged in undutiful and disloyal Actions against us their Sovereign, and to oppose Persons immediately authorized by us, and become Disturbers of the Peace: We do, for the Information of all our good Subjects, that they may be no longer corrupted or seduced by these false and damnable Infusions, declare, That we do disavow our Consent to any of the pretended Ordinances, and do protest against the same, and all the Proceedings thereupon, as seditious and treasonable to our Person, Crown, and Dignity: And do declare, That the Army now under the Command of the Earl of *Essex*, and raised in any part of the Kingdom by his Direction, or by the Direction of any pretended Ordinance, is raised against us, and to take away our Life from us; and that he, and all who adhere to him, are Traytors, by the known established Laws of this Kingdom; and therefore our express Command to you, and to every of you is,

His Majesty's Instructions sent with the Commissioners of Array, Aug. 29, 1642.

r. ' That



An. 1642.

1. ' That you forthwith raise all possible Power for the Apprehension of the said Earl of *Essex* and his Confederates ; and that with such Forces of Horse and Foot, you shall Fight with, Kill and Slay, all such as shall by Force oppose you in the Execution of our Commands ; and such who shall presume to put the Ordinance of the Militia in Execution against our express Pleasure and Consent. And you shall pursue the said Rebels and Traytors in the said Counties, or in any other Counties or Parts of the Kingdom into which they shall retire themselves ; all which Forces so to be raised, shall have the same Pay as the rest of our Armies have.

2. ' You shall defend and protect all our Subjects from Violence and Oppression, by the illegal pretended Ordinance concerning the Militia, the pretended Ordinance for the Earl of *Essex* to be General, or any other Ordinance to which we have not, or shall not give our Consent, and shall not suffer any of our loving Subjects to be troubled or molested for refusing to submit to the said pretended Ordinances, but shall assist and defend them from any Summons, Messengers, Serjeant, or Warrant, which shall disturb them for the same. And the said Messengers, or Serjeants, you shall apprehend and commit to Prison, as seditious Disturbers of the Peace of the Kingdom.

3. ' You shall, to your utmost Power, assist the Execution of our Commission of Array, which ought to be obeyed by the known Laws of the Land ; and if any factious or seditious Persons, shall raise any Power to oppose our said legal Commission, or the Execution thereof, you shall, in your several Counties, levy Men, and lead them out of your said Counties to the Place where such Force is raised, and suppress the same : More-especially you shall be aiding and assisting to the Lord Marquess *Hertford*, who is Authorized by our Commission, General of our Forces in the Western Parts ; and to the Earl of *Cumberland*, our Lieutenant-General for the County of *York* ; and to the Lord *Strange* and Collonel *Goring*. And to that purpose you shall levy such other Forces of Horse and Foot, as the said Marquess shall by his Commission, give you Power to do, under such Collonels, Commanders, and other Officers, as shall be by him appointed or directed within the several Counties mentioned in his Commission, as the Earl of *Cumberland*, and as the Lord *Strange* shall likewise direct, in the Counties within their several Commissions.

4. ' Our express Pleasure and Command is, That you do disarm all Popish Recusants, and all such other dangerous and ill-affected Persons, and Brownists, Anabaptists, and other Sectaries, as well Clergy-men as others, as have testify'd, or shall testify their ill Disposition to the Peace and Government of the Kingdom. And you shall endeavour, by causing our several Declarations, Messages, and Answers, to be publicly read in Churches and other Places, to clear our Proceedings from all false Imputations and Aspersions, and shall from Time to Time, certify us of all Things necessary for the Publick Service. And that our Directions to you, and your Advertisements to us, may have a clear and ready Passage, We do hereby command all Post-Masters, that they do not suffer any Letters, or other Dispatches, to or from us, to be intercepted or stayed, as they will answer the contrary at their utmost Perils. And if any bold Persons, by what Authority soever, shall presume to make such Stay of those Dispatches, you shall apprehend such Persons, and shall give all Assistance and Protection to those Persons employ'd in such Dispatches.

5. ' If you shall find any disaffected Persons raising Parties against us, spreading Scandals or Imputations on our Proceedings, like to disturb the Peace of the Kingdom ; you shall cause all such Persons (upon good Proofs of their Misdemeanours) to be apprehended and committed to Prison, 'till they shall answer their Offences, in such manner as is agreeable to Law and Justice.

' You shall take from the said Rebels and Traytors, and their Adherents, all Arms, Ordnance, and Ammunition ; and such as they have taken from any of our good Subjects, you shall restore again to the true Owners.

' And whereas divers seditious Persons, under pretence of Commissions from the Earl of *Essex*, presume to levy Horse and Foot, and to collect Money for the same ; you shall seize upon all Horses, Arms, Ammunition, Money, Plate, or other Provisions whatsoever, raised or provided under any such Pretences,



‘ Pretences, and without our expresse Authority for the fomenting or maintaining any such unnatural and unlawful War against us, the Religion and Law of the Kingdom. And you shall assure all such of our well-affected Subjects, who shall contribute any Aid or Assistance to us, in this our great Necessity, or observe these our Instructions, that we will protect them with our utmost Power, and venture our Life and Crown in their just Defence ; which Resolution of ours you shall publish and declare upon all Occasions, for the better Encouragement of all our good Subjects in that behalf.

‘ Given under our Privy Signet, at our Court at *Nottingham* the 29th of *August*, 1642.

Collonel *Goring*, eldest Son to the Lord *Goring*, who having been a means the Year before to discover the controverted Design of bringing up the Army out of the North against the Parliament, being thereby grown into some Trust with the Parliament, whereof he was a Member, having been sent down Governour of *Portsmouth*, and 3000 *l.* allowed him for the Payment of his Soldiers, and Charges of Fortification ; did in the beginning of *August*, 1642. declare for the King, the better to countenance the Progress of the Commission of Array in *Hampshire* and *Suffex*, expecting to be relieved by the Marquess of *Hartford*, and the Commissioners of Array in *Somerset-shire* and Counties adjacent : Whereupon several Members of the House of Commons were sent down to join with the Commissioners of the Militia, to raise Forces for the reducing of that Garrison, and to oppose Relief by the Commissioners of Array. The Collonel was so civil, as that he produced unto them a Copy of two Commissions which he had received from the King ; the one bearing Date in the Beginning of *June* 1642, and the other in *July* following, commanding him to imploy that Fort according to his Majesty's sole Directions, and to raise a Regiment of Foot, and 300 Horse, giving him Power to fight with, kill and slay all such as should oppose him.

The Committee of Parliament, viz. Sir *William Lewis*, Mr. *Whitehead*, Mr. *Wallop*, Sir *Thomas Fervis*, Mr. *Richard Norton*, and divers others, stopp'd all manner of Intelligence by Land from going in, or coming out of *Portsmouth*, as the Earl of *Warwick* did by Sea ; and intercepted Letters from Collonel *Goring*, directed to the Marquess of *Hartford*, and Sir *John Stowel*, for present Help by Land and Sea, or else he was lost : Also they intercepted Intelligence from Collonel *Goring* to Collonel *Bret*, newly made Governour of the Isle of *Wight*, for Help by Sea, to send him 500 Men with all speed. The Earl of *Warwick* also intercepted Letters going by Sea from Collonel *Goring*, one of whose Letters did expresse, That the Marquess of *Hartford* would by *Thursday*, the 18th of *August*, attempt to relieve Collonel *Goring* with Horse and Foot : Hereupon the Commissioners for the Militia raised the Train'd-Bands of *Hampshire*, *Surry*, and *Suffex*, and had Sir *John Merrick's* Regiment sent unto them for their Assistance ; and *Brown Busshel*, then in the Parliament's Service, did in the Night-time, in a desperate manner board the Ship called *Henrietta Maria*, then riding under that Fort at *Portsmouth*, and brought her away, with Eight Brass Pieces of Ordnance.

The Governour being extremely straightned, and seeing no Hopes of Relief, beat a Drum for a Parly, and sent out the Lord *Wentworth* and Mr. *Lukenar*, a Lawyer, as Hostages ; whereupon Sir *William Lewis*, and Sir *William Waller* went into the Town. The Governour enter-

18 Car.

The Siege and  
Surrender of  
*Portsmouth* to  
the Parlia-  
ment, Aug. 9,  
1642.



An. 1642.

entertained them nobly; and after long Discourse came to Terms of Surrender, but not to yield it 'till he had sent to the King to appoint him a peremptory Day for his Relief; and if his Majesty did, at the Time set, fail, he would then give an Answer: But the Parliament's Commissioners reply'd, That unless he would agree to let the Parliament's Forces come in after that appointed Time, they could not conclude with him; so Hostages on both Sides were at Liberty, but no Cessation of Arms was admitted; and that very Night the Collonel sent out a strong Party of Horse, thinking to have surprized the Sentinels and first Guards; but the Commander in chief of *Goring's* Party was slain, three hurt, and two taken Prisoners, and the rest pursued in their Retreat to the Town.

The Parliament's Commissioners at that Time received Information, that the Earl of *Warwick* had seized a Ship of Corn coming to supply Collonel *Goring*, whose greatest want was Corn and Salt.

Afterwards the Collonel beat again for a Parly, understanding that *South-Sea Castle* was taken by the Parliament-Forces, besides a Mutiny that was then in the Town: Whereupon Hostages being given on each Side, a Treaty was concluded, and 200 marched into the Town to take Possession of part thereof, and upon *Wednesday* 200 more marched, and on *Thursday* by Ten of the Clock, the whole Regiment with three Troops of Horse were also to march into the Town, Liberty being given for all in the Garrison to march out with Swords and Pistols, but no other Arms, and to go into any part of the Kingdom, or beyond-Sea, and *Goring* himself took Shipping for *Holland*.

Proceedings  
between the  
Commissioners of Array  
and the Militia-Men in  
*Oxfordshire*.

Intelligence being given to the House of Commons, That the Earl of *Berkshire*, and divers Gentlemen of principal Quality in *Oxfordshire*, intended shortly to put in Execution the King's Commission of Array at *Wattleton*, They commanded Mr. *Whitlock*, a Member of the House, to use his utmost Endeavours to prevent the Execution of that Commission in *Oxfordshire*, and to apprehend such of the Commissioners as should meet for that purpose: And the better to enable him hereunto, they ordered some of the Regiment of Horse of Collonel *Goodwin*, and of the Regiment of Foot of Collonel *Hambden* to attend his Command.

The Commissioners of Array having appointed their Meeting at *Wattleton* at a Day, and the County summoned to come in unto them, Mr. *Whitlock* sent for the Forces appointed to meet him, and in the Afternoon came to him a Troop of Horse and a Company of Foot, and Mr. *Hambden* himself with them; and when they were met, they had Information that the Commissioners, having Notice of the Parliament's Forces being in the Field, thought not fit to continue at *Wattleton*, but did break off their Business, and not taking leave, or dismissing the Country, the Commissioners with their Company hasted to Sir *Robert Dormer's* Horse, and thither they were pursued; and when the Parliament's Company beleaguered the House, they fired some Musquets and Pistols at them, but finding themselves too weak for the Parliament-Party, and that they went about to storm the House, they presently yielded upon Quarter.

Earl of *Berkshire* taken.

Most of the Commissioners of Array were got away, only the Earl of *Berkshire*, and two or three more were taken and conveyed to *London*.

The House of Lords committed the Earl and the rest to Prison, where he lay for a long Time after.

Not



Not long after Sir *John Biron* with some Troops for the King came to *Oxford*, to remove whom, the Lord *Say*, Lieutenant of that County, sent to Mr. *Whitlock*, and other Deputy-Lieutenants to meet him with what Forces they could make; *Whitlock* had a gallant Company of Horse of his Neighbours, the Lord *Say* a Regiment of Dragoons, and with him the Lord *St. John*, and several Companies of his Regiment of Foot; so that their Forces, when conjoin'd, made a Body of 3000 and upwards, with whom they entred *Oxford* without Resistance, (for Sir *John Biron*, hearing of their Advance, had quitted it) but were more welcome to the Townsmen than to the Scholars; yet not only the Mayor and Aldermen, but the Vice-Chancellor, Heads of the Houses, and Proctors, paid my Lord *Say* the Complement of a Visit, protesting their Respects to the Parliament, and their Desires of Peace, and engaged themselves not to act any thing against the Parliament.

Here there was a Council held to debate the Importance of retaining this City, as well for the Strength of its Situation, the plenty of the Country round about it, its Nearness to *London*, and the Aversion of the University to the Parliament's Cause; as for that the King by his coming to *Shrewsbury*, and looking this way might probably make *Oxford* his Head-Quarters, by reason of all those Advantages, and fortify it: To prevent which, it was propounded to continue a good Garrison in it, and *Whitlock* to be Governour; to which both the Townsmen and several parts of the Country seemed very willing, but the Lord *Say* declined it, pretending Favour to the University and Country, and the Improbability of the King's settling here, and therefore only took an Engagement and Promise from the respective Heads of the Houses, That their Plate should be forth-coming, and should not be made use of by the King against the Parliament. And so left the Place as he found it. Sir *John Biron* being thus dislodged from *Oxford*, marched with 500 Horse to *Worcester*, and took in that Town for the King.

In the beginning of the Month of *August* 1642. the Marquess of *Hartford*, the Lord *Seymour*, Lord *Pawlet*, Sir *John Stowel*, Captain *John Digby*, Sir *Ralph Hopton*, Sir *Francis Doddington*, Mr. *Edward Kirton*, and others, Commissioners of Array, had their Rendezvous at *Wells* in *Somersetshire*, with several Troops of Horse and Foot; to disturb whose Meeting, Mr. *Popham*, Sir *Edward Hungerford*, Sir *John Horner*, and others, Commissioners for the Militia, assembled together many Thousands of Horse and Foot of the Trained-Bands, and others, and had Four Pieces of Ordnance with them, which occasioned the Commissioners of Array that Night to depart from the City of *Wells*; but afterwards the Commissioners of Array assembling at *Sherborn* in *Dorsetshire* in greater Numbers; the Parliament's Soldiers of the Militia not enduring to lie long in the Field, it being Harvest-time, left the Commissioners, and went home to their own Houses to mind their Harvest, the Horse on each side had a Rencontre near *Sherborn Castle*, where some were slain; but afterwards more Forces coming from the Parliament to assist the Commissioners for the Militia, the Commissioners of Array retreated toward *Minehead* in *Somersetshire*, and went by Sea from thence into *Wales* and *Gloucestershire*, Mr. *Luttrell* refusing to permit the Marquess to make the Castle at *Minehead* a Garrison. Likewise the Commissioners of Array put their Commissions in Execution at this Time in several other Places. Sir *Nicholas*

18 Caroli.

The first beginning to put the Militia in Execution in *Dorsetshire*.



An. 1642

*Slaney*, and *Sir Richard Greenville* were active in *Cornwal*: and the Earl of *Northampton* in *Northamptonshire*, who seized upon six small Pieces of Iron-Ordinance left at *Banbury*. The Earl of *Cumberland* was likewise very active in the County of *Tork*, but resisted by the Lord *Fairfax* and others of the Parliamentary Gentlemen.

In *Warwickshire*, between the Earl of *Northampton* and the Lord *Brook*.

August 24th. Near *Dunsmore-Heath* in *Warwickshire*, the Lord *Brook*, with some Forces, met the Earl of *Northampton's* Forces of Array-men; where, at the first firing of the Lord *Brook's* Cannon, some Soldiers and Horses were slain, and the like Misfortune befel some of the Lord *Brook's* Men, but the Welch-men, who were with the Earl of *Northampton*, quickly gave Ground; whereupon Capt. *Leg* riding hastily to make them stand, mistook the Ground, and rode up to a Troop of the Parliament's Forces, where he was taken Prisoner by Major *Ballard*.

Gurney the Lord Mayor of *London* committed.

Alderman *Gurney*, Lord-Mayor of *London*, receiving a Commission of Array from the King, and by Proclamation endeavouring to put the same in Execution, was prevented, and committed to the *Tower*.

Lord *Chandois*.

The Lord *Chandois* endeavoured to put the said Commission in Execution in *Gloucestershire*, but was opposed and affronted at *Cirencester* in that County. *Sir John Packington* and Mr. *Sands*, endeavoured the like in *Worcestershire*. *Sir John Sackville* and *Sir Nicholas Crisp*, endeavoured the like in *Kent*, but were prevented.

Neutrality.

In some Counties, as in *Torkshire*, *Cheshire* and *Lancashire*, there was an Endeavour to make an Association of *Neutrality*; which being drawn to some Heads in the County of *Tork*, between *Ferdinando Lord Fairfax*, Mr. *Hen. Bellasis*, *Sir Will. Savile* and others; the Lord *Fairfax* sent the Heads thereof to the Parliament, declaring he had not agreed thereunto, unless it were with their Liking and Approbation: Against which Association, the Parliament set forth the following Declaration.

*The Declaration and Votes of the Lords and Commons assembled in Parliament, concerning the late Treaty of Peace in Yorkshire.*

Octob. 1642. *Neutrality* endeavoured to be made in *Torkshire*, but forbidden by the Parliament.

UPON perusal of certain Articles, dated the 29th of September 1642, betwixt the Lord *Fairfax*, and divers others well-affected to the Peace of the Kingdom, and Mr. *Bellasis* and others, who have declared themselves in sundry Actions, opposers of the Proceedings of the Parliament, and furtherers of the War raised against them; and of many grievous Pressures lately exercised upon the good Subjects, Inhabitants of the County of *Tork*. And being confident, That if the Lord *Fairfax*, and the rest of the Gentlemen on his part, had known by what Acts and Designs this Agreement was plotted on the other side, and how dangerous and mischievous it must needs be, both in the Effect and in the Consequence, their good Intentions to the Peace of that County, and of the Kingdom are such, that they never would have consented to any thing so prejudicial thereunto, as this seeming *Neutrality* would be, by making that County many ways serviceable to those ill Counsels, whereby his Majesty is incited against his Subjects, and no way useful to the Parliament in protecting of them. Wherefore the Lords and Commons do declare,

I. That none of the Parties to that Agreement had any Authority, by any Acts of theirs, to bind that County to any such *Neutrality* as is mentioned in that



that Agreement, it being a peculiar and proper power and privilege of Parliament, where the whole Body of the Kingdom is presented, to bind all or any part thereof.

2. That it is very prejudicial and dangerous to the whole Kingdom, that one County should withdraw themselves from the Assistance of the rest, to which they are bound by Law, and by several Orders and Declarations of Parliament.

3. That it is very derogatory to the Power and Authority of Parliaments, that any private Men should take upon them to suspend the Execution of the Ordinance of the *Militia*, declared by both Houses to be according to Law, and very necessary at this time for the preservation of the Peace and Safety of the Kingdom.

4. That many things in that Agreement are very unequal, contrary to the Nature of Neutrality, being much more advantageous to one Side than the other, prejudicial to the publick Defence of the Kingdom undertaken by the Parliament, and would be a great Impediment to the Agreement betwixt his Majesty and his Subjects; which both Houses so earnestly desire and endeavour.

For these and other Reasons, We hold our selves bound in Conscience, in performance of the several Protestations that we have made, to hinder all further Proceedings upon that Agreement; and therefore it is Ordered by both Houses of Parliament, That no such Neutrality be observed in that County, which will advantage the Forces raised against the Parliament, and no way benefit *Yorkshire*, but rather be most dangerous to them, by keeping that County without any defensive Force; whereby it will be open to the King to bring back his Army at his pleasure, and to make that his Winter-quarter, to which the Plenty of that County, and nearness of *Newcastle* for Supplies by Sea, are like to invite him, whereby it will become a Seat of the War. And if this should not fall out, yet if the rest of the Kingdom be suppressed, what hope can *Yorkshire* have not to be involved in the publick Misery? And therefore in Wisdom for themselves, and Justice to the State, they ought not to withdraw themselves from the Common Cause, but join with the Parliament in defence of the Religion and Liberty of the whole Kingdom, and with them to labour, by all good Means, to procure a general Peace and Protection from the King for all his Subjects; which both the Houses of Parliament have, by many humble Petitions, desired of his Majesty, but cannot yet obtain. And if they should suffer any particular Counties to divide themselves from the rest of the Kingdom, it will be a Means of bringing all to Ruin and Destruction. Wherefore it is further declared, That neither the Lord *Fairfax*, nor the Gentlemen of *Yorkshire*, who are Parties to those Articles, nor any other Inhabitants of that County, are bound by any such Agreement, but they are required to pursue their former Resolutions, of maintaining and assisting the Parliament in defence of the Common Cause, according to their general Protestation, wherein they are bound with the rest of the Kingdom, and against the particular Protestation by themselves lately made; and according to such Orders and Commissions as they shall receive from both Houses of Parliament, from the Committee of Lords and Commons, appointed for the Safety of the Kingdom, or from the Earl of *Essex* Lord-General.

*A Declaration of both Houses, touching Ministers troubled in Cheshire, for not obeying the Commission of Array, September 8th. 1642.*

WHEREAS Information hath been given, That divers Persons, well-affected to the Peace and Safety of the King and Kingdom, have been seized, apprehended, and imprisoned; and divers worthy Ministers attached and bound over to the next *Affizes to be holden at Chester*, for yielding Obedience to the Ordinance and Command of Parliament and for refusing to obey the illegal Commands of the *Commissioners of Array*. The Lords and Commons do therefore hereby declare all those to be Enemies to the Common-Wealth, and



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Disturbers of the Peace of the Kingdom, who seize, apprehend, or detain, imprison, or send out their Warrants for the apprehending or otherwise molesting any Person or Persons for obeying the Ordinances and Commands of the Parliament, or for refusing to obey the *Commission of Array*. And do require and command all Lord-Lieutenants, Deputy-Lieutenants, Justices of Peace, Sheriffs, Mayors, Constables, and all other his Majesty's Officers and loving Subjects, that they do not only forbear to execute any Warrants sent out by the Commissioners of Array for the apprehending or binding over to the Assizes; or otherwise molesting any of his Majesty's good Subjects, for not yielding Obedience to the illegal Warrants and Commands of the Commissioners of Array, but that they also assist to the Protection and Defence of all those who are in danger to be apprehended, oppressed or molested, by the Violence and Tyranny of the Commissioners of Array.

Whereof they require the Justices of Assize of the County Palatine of *Chester*, and the Keeper of the Castle of *Chester*, and of other Prisons in the said County, and all others his Majesty's Officers and Subjects, whom it may concern, to take special Notice, that so those that are already imprisoned, or bound over by the Commissioners of Array in that County, may be discharged, and no further prosecuted and molested by any usurped Power and Authority against the Laws of the Land.

[ *The Author returns to the Diary of May 1642.* ]

Having thus from the Month of *April 1642*, dispatch'd the great Affair of *Hull*, and followed the Tract of Occurrences at *Tork*, as far as was necessary in the Two last Chapters, we now return to reassume the Course of Diary, and set down other intervening Passages in the Month of *May*, and other subsequent Months.

By the KING.

*A Proclamation concerning the true Payment of Tonnage and Poundage.*

WHEREAS in and by the last Act of this present Parliament, concerning Tonnage and Poundage, (intituled, *A Subsidy granted to the King of Tonnage, Poundage, and other Sums of Money, payable upon Merchandize Exported and Imported*) it is enacted, That the Penalty and Forfeiture contained in an Act made in the First Year of the Reign of his Majesty's late Royal Father King *James*, (intituled, *A Subsidy granted to the King of Tonnage, Poundage, Wools, &c.*) shall not ensue to any Person or Persons, for the Shipping or Unshipping of any Goods or Merchandize, whereupon Tonnage, Poundage, or any Sums of Money, are payable by the said last Act, until notice shall be given of the said last Act, Penalty and Forfeiture, by Proclamation, where the said Goods are, or ought to be entred; unless after such Notice, they shall refuse to compound for such Goods and Merchandize.

His most Excellent Majesty, lest any of his loving Subjects, or others (under pretence of Ignorance) should forbear to pay the said Tonnage, Poundage, and other Sums of Money, payable upon Merchandize or Goods either exported or imported, contrary to the Tenor of the said last Act, and for the more speedy publishing thereof, hath thought fit (by Advice of his Parliament) hereby to declare his Royal Will and Pleasure to be, That all his loving Subjects and others, whom it shall or may concern, do take notice of the said last Act: And that they, and all of them, do accordingly pay the said Tonnage, Poundage, and other Sums of Money thereby laid, or imposed upon Merchandizes or Goods, either imported or exported, under the Pains and Penalties



Penalties in the said last Act, and in the said Act made in the first Year of his Majesty's said late Father, or either of them provided and expressed; and to be farther punished, according to the Law, for their Contempt of his Majesty's Royal Commandment herein.

And therefore his Majesty doth hereby straitly charge and command, as well all and every his Customers, Controllers, Collectors, Searchers, Waiters, and other the Officers and Ministers in all and every his Majesty's Ports and Havens, and the Members thereof, within this Kingdom of *England* and Dominion of *Wales*; and all Justices of Peace, Mayors, Sheriffs, Bailiffs, Constables, Headboroughs, and other his Majesty's Officers and Ministers, to whom it shall or may appertain, that they, and every of them in their several Offices and Places respectively, do take care, that all and every the Premises be fully executed and performed, according to his Majesty's Royal Will and Pleasure herein declared, as they will answer the contrary at their Perils.

Given at our Court at *York*, the Second day of *May*, in the Eighteenth Year of our Reign.

GOD save the KING.

Die Martis, 3 Maii, 1642.

*Ordered by the Lords and Commons in Parliament assembled,*

THAT the Persons intrusted with the ordering of the *Militia* of the City of *London*, shall have Power to draw the *Trained-Bands* of the City into such usual and convenient Places, within three Miles of the said City, as to them from time to time shall seem fit, for the training and exercising of the Soldiers: And that the said Soldiers upon Summons shall from time to time appear, and not depart from their Colours without the Consent of their Officers, as they will answer their Contempt to the Parliament.

The Houses order, that the *Trained-Bands* of *London* be drawn out of Town, May 3.

Die Jovis 12 Maii, 1642.

*Resolved upon the Question, &c.*

THAT this House doth declare, That if any Person whatsoever shall arrest or imprison the Persons of the Lords and Gentlemen now at *York*, or any of them, or any other of the Members of either House of Parliament that shall be employed in the Service of both Houses of Parliament, or shall offer Violence to them, or any of them, for doing any thing in pursuance of the Commands or Instructions of both Houses, such Persons shall be held Disturbers of the Proceedings of Parliament, and publick Enemies of the State; and that all Persons are bound by their Protestation, to endeavour to bring them to condign Punishment.

*Resolved, &c.* That this House doth declare, that those of the City of *London*, and all other Persons that have obeyed the Ordinance for the *Militia*, and done any thing in Execution thereof, have done according to the Law of the Land, and in pursuance of what they were commanded by both Houses of Parliament, and for the Defence and Safety of the King and Kingdom; and shall have the Assistance of both Houses of Parliament against any that shall presume to question them for yielding their Obedience unto the said Commands, in this necessary and important Service: and that whosoever shall obey the said Ordinance for the time to come, shall receive the same Approbation and Assistance from both Houses of Parliament.

*Resolved, &c.* That this House doth declare, that they are resolved to maintain those Lords and Gentlemen in those things they have done, and shall farther do in the Obedience of their Commands, for the preserving the Peace of the Kingdom.

The

An. 1642.

Votes of the Commons against imprisoning any of their Members.



An. 1642.

The King's  
sending for  
Persons is a-  
gainst the Li-  
berty of the  
Subject.  
May 17.

The KING having sent for Serjeant Major-General Skippon to attend him at York, the Two Houses passed the Two Orders following.

Die Martis 17 Maii, 1642.

THE Lords and Commons in Parliament do declare, That it is against the Laws and Liberties of the Kingdom, that any of the Subjects thereof should be Commanded by the King to attend him at his Pleasure, but such as are bound thereto by special Service; and that whosoever upon pretence of his Majesty's Command shall take Arms, and gather together with others in a warlike manner, to the Terror of the King's People, shall be esteemed Disturbers of the publick Peace, and to do that which may introduce a Precedent of very dangerous Consequence for the future, and produce most mischievous Effects for the present, considering the great Distempers of the Kingdom, and what pernicious Counsellors and Incendiaries are now about the King; and how desperate and ill-affected divers Persons attending upon his Majesty have shewed themselves to the Parliament, and to his other good Subjects, threatening and reproaching them publicly, even in his Majesty's presence; and for the preventing and avoiding such great Mischiefs as may thereupon ensue.

It is ordered and ordained by both Houses of Parliament, That if the Trained-Bands, or any other of his Majesty's Subjects, shall upon pretence of any such Command, be drawn together, and put into a posture of War, the Sheriff of that County, where there shall be such raising or drawing together of armed Men, do forthwith raise the power of the County to suppress the same, and to keep his Majesty's Peace according to Law; and that the Lord-Lieutenants, Deputy-Lieutenants, and Justices of the Peace, and all other his Majesty's Subjects be aiding and assisting to the several respective Sheriffs in performance hereof, as they will answer the contrary at their peril.

Hen. Elsing, Cler. Parl. D. Com

Die Martis 17 Maij, 1642.

*Resolved upon the Question,*

THAT this Command of his Majesty to call Captain Philip Skippon, Serjeant Major-General of the Forces of London, to attend his Majesty's Person at York, is against the Law of the Land, and the Liberty of the Subject.

*Resolved, &c.* That this Command of his Majesty to call Captain Philip Skippon, Serjeant Major-General of the Forces of London, to attend his Majesty's Person, being employed by both Houses to attend their Service, without their Consent, is against the Privilege of Parliament.

*Resolved, &c.* That Captain Philip Skippon, Serjeant Major-General of the Forces of London, shall continue to attend the Service of both Houses, according to their former Commands.

Hen. Elsing, Cler. D. Com.

The



*The Declaration or Remonstrance of the Lords and Commons in  
Parliament assembled, May 19th, 1642.*

THE infinite Mercy and Providence of the Almighty God hath been abundantly manifested since the beginning of this Parliament, in great variety of Protections and Blessings whereby he hath not only delivered us from many wicked Plots and Designs, which, if they had taken effect, would have brought Ruin and Destruction upon this Kingdom; but out of those Attempts hath produced divers evident and remarkable Advantages to the furtherance of those Services, which we have been desirous to perform to our Sovereign Lord the King, and to this Church and State, in providing for the publick Peace and Prosperity of his Majesty, and all his Realms, which in the presence of the same All-seeing Deity, we protest to have been, and still to be the only End of all our Counsels and Endeavours, wherein we have resolved to continue freed, and enlarged from all private Aims, personal Respects or Passions whatsoever.

In which Resolution we are nothing discouraged, altho' the Heads of the malignant Party disappointed of that Prey, the Religion and Liberty of this Kingdom, which they were ready to seize upon, and devour before the beginning of this Parliament, have still persisted by new Practices, both of Force and Subtilty, to recover the same again; for which purpose they have made several Attempts for the bringing up of the Army; they afterwards projected the false Accusation of the Lord *Kimbolton*, and the Five Members of the House of Commons, which being in it self of an odious Nature, they yet so far prevailed with his Majesty as to procure him to take it upon himself; but when the unchangeable Duty and Faithfulness of the Parliament could not be wrought upon by such a Fact as that, to withdraw any part of their Reverence and Obedience from his Majesty, they have with much Art and Industry advised his Majesty to suffer divers unjust Scandals, and Imputations upon the Parliament, to be published in his Name, whereby they might make it odious to the People, and by their help to destroy that which hitherto hath been the only means of their own preservation.

For this purpose they have drawn his Majesty into the Northern parts far from the Parliament, that so false Rumours might have time to get Credit, and the just Defences of the Parliament find a more tedious, difficult and disadvantageous Access, after those false Imputations and Slanders had been first rooted in the Apprehension of his Majesty, and his Subjects; which the more speedily to effect, they have caused a Press to be transported to *York*, from whence several Papers and Writings of that kind are conveyed to all parts of the Kingdom, without the Authority of the Great Seal, in an unusual and illegal manner, and without the Advice of his Majesty's Privy-Counsel; from the greater and better part whereof having withdrawn himself, as well as from his great Council of Parliament, he is thereby exposed to the wicked and unfaithful Counsels of such as have made the Wisdom and Justice of the Parliament dangerous to themselves, and this Danger they labour to prevent by hiding their own Guilt under the name and shadow of the King; infusing into him their own Fears, and as much as in them lies, aspersing his Royal Person and Honour with their own Infamy, from both which it hath always been as much the Care, as it is the Duty of the Parliament to preserve his Majesty, and to fix the Guilt of all evil Actions and Counsels, upon those who have been the Authors of them.

Amongst divers Writings of this kind, We the Lords and Commons in Parliament, have taken into our Consideration two printed Papers; the first containing a Declaration which they received from his Majesty in answer of that which was presented to his Majesty from both Houses of Parliament at *Newmarket*, the 9th of *March*, 1641. The other his Majesty's Answer to the petition of both Houses, presented to his Majesty at *York* the 26th of *March*, 1642. Both which are filled with harsh Censures, and causeless Charges upon the Parliament; concerning which we hold it necessary to give Satisfaction to the Kingdom,



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dom, seeing we find it very difficult to satisfie his Majesty, whom, to our great grief, we have found to be so engaged to, and possessed by those Misapprehensions which evil Counsellors have wrought in him, that our most humble and faithful Remonstrances, have rather irritated and imbittered, than any thing allayed or mitigated the sharp Expressions which his Majesty has been pleased to make in Answer to them; for the manifestation whereof, and of our own Innocency, we desire that all his Majesty's loving Subjects may take notice of these Particulars.

We know no Occasion given by us, which might move his Majesty to tell us, That in our Declaration presented at *Newmarket*, there were some Expressions different from the usual Language to Princes.

Neither did we tell his Majesty, either in Words or in Effect, That if he did not join with us in an Act which his Majesty conceived might prove prejudicial and dangerous to himself and the whole Kingdom, we would make a Law without him, and impose it upon the People. That which we desired was, That in regard of the imminent Danger of the Kingdom, the Militia, for the Security of his Majesty and his People, might be put under the Command of such noble and faithful Persons, as they had all cause to confide in: And such was the Necessity of this Preservation, that we declared, That if his Majesty should refuse to join with us therein, the two Houses of Parliament being the supreme Court and highest Council of the Kingdom, were enabled, by their own Authority, to provide for the repulsing of such imminent and evident Danger, not by any new Law of their own making, as hath been untruly suggested to his Majesty, but by the most ancient Law of this Kingdom, even that which is fundamental and essential to the Constitution and Subsistence of it.

Altho' we never desired to encourage his Majesty to such Replies as might produce any Contestation betwixt him and his Parliament, of which we never found better Effect, than loss of Time, and hinderance of the publick Affairs; yet we have been far from telling him of how little value his Words would be with us, much less when they are accompanied with Actions of Love and Justice. His Majesty hath more reason to find fault with those wicked Counsellors, who have so often bereaved him of the Honour, and his People of the fruit of many gracious Speeches which he made to them, such as those in the end of the last Parliament; That in the Word of a King, and as he was a Gentleman, he would redress the Grievances of his People, as well out of Parliament as in it: Were the searching the Studies and Chambers, yea, the Pockets of some, both of the Nobility and Commons the very next Day; the Commitment of *Mr. Bellasis*, *Sir John Hotbam*, and *Mr. Crew*; the continued Oppressions by Ship-money, Coat and Conduct-money; with the manifold Imprisonments, and other Vexations thereupon, and other ensuing Violations of the Laws and Liberties of the Kingdom, (all which were the Effects of evil Counsel, and abundantly declared in our general Remonstrance of the State of the Kingdom) Actions of Love and Justice, suitable to such words as those?

As gracious was his Majesty's Speech in the beginning of this Parliament; That he was resolved to put himself freely and clearly upon the Love and Affection of his English Subjects. Whether his causeless Complaints and Jealousie, the unjust Imputations so often cast upon his Parliament, his denial of their necessary Defence by the Ordinance of the Militia, his dangerous absenting himself from his great Council, like to produce such a mischievous Division in the Kingdom, have not been more suitable to other Mens evil Counsels, than to his own Words, will easily appear to any indifferent Judgment.

Neither have his latter Speeches been better used, and preserved by these evil and wicked Counsellors; Could any words be fuller of Love and Justice than those in his Answer to the Message sent the House of Commons the One and thirtieth of *December, 1641*. 'We do engage unto you solemnly on the Word of a King, that the Security of all, and every one of you from Violence, is and ever shall be as much our care, as the preservation of Us and our Children. And could any Actions be fuller of Injustice and Violence, than that of the Attorney-General, in falsely accusing the six Members of Parliament, and the other Proceedings thereupon, within three or four days after that Message? For the full view whereof, let the Declaration made of those Proceedings be perused; and by



by those Instances (we could add many more) let all the World judge who deserves to be taxed with disvaluing his Majesty's Words, they who have, as much as in them lies, stained and sullied them with such foul Counsels; or the Parliament, who have ever manifested with Joy and Delight their humble Thankfulness for those gracious Words and Actions of Love and Justice which have been conformable thereunto.

The King is pleased to disavow the having any such evil Counsel or Counsellors as are mentioned in our Declaration to his Knowledge; and we hold it our Duty, humbly to avow there are such, or else we must say, That all the ill Things done of late in his Majesty's Name, have been done by himself, wherein we should neither follow the Direction of the Law, nor the Affection of our own Hearts, which is as much as may be, to clear his Majesty from all Imputation of Misgovernment, and to lay the Fault upon his Ministers, the false accusing of six Members of Parliament, the justifying of Master-Attorney in that false Accusation; the violent coming to the House of Commons; the denial of the Militia, the sharp Messages to both Houses, contrary to the Customs of former Kings, the long and remote Absence of his Majesty from Parliament, the heavy and wrongful Taxes upon both Houses; the cherishing and countenancing a discontented Party in the Kingdom against them: These certainly are the Fruits of very ill Counsel, apt to put the Kingdom into a Combustion, to hinder the Supplies of *Ireland*, and to countenance the Proceedings and Pretensions of the Rebels there, and the Authors of these evil Counsels, we conceive must needs be known to his Majesty. And we hope our labouring with his Majesty, to have these discovered and brought to a just Censure, will not so much wound his Honour in the Opinion of his good Subjects, as his labouring to preserve and conceal them.

And whereas his Majesty saith, He could wish that his own immediate Actions, which he avows on his own Honour, might not be so roughly censured under that common Style of Evil Counsellors: We could also heartily wish, That we had not cause to make that Style so common, but how often and undutifully soever these wicked Counsellors fix their Dishonour upon the King, by making his Majesty the Author of those evil Actions, which are the Effects of their own evil Counsels: We his Majesty's loyal and dutiful Subjects, can use no other Style, according to that Maxim in the Law, *The King can do no Wrong*; but if any Ill be committed in Matter of State, the Council; if in Matter of Justice, the Judges must answer for it.

We lay no charge upon his Majesty, which should put him upon that Apology, concerning his faithful and zealous Affection of the Protestant Profession: Neither doth his Majesty endeavour to clear those in greatest Authority about him, by whom (we say) that Design hath been potently carry'd on for divers Years; and we rather wish that the Mercies of Heaven than the Judgments may be manifested upon them; but that there have been such, there are so plentiful and frequent Evidences, that we believe there is none, either Protestant or Papist, who hath had any reasonable View of the Passages of latter Times, but either in Fear or Hope, did expect a sudden Issue of this Design.

We have no Way transgressed against the Act of Oblivion, by remembering the intended War against *Scotland*, as a Branch of that Design to alter Religion, by those wicked Counsels, from which God did then deliver us, which we ought never to forget.

That the Rebellion in *Ireland* was framed and cherish'd by the Popish and Malignant Party in *England*, is not only affirmed by the Rebels, but may be cleared by many other Proofs: The same rebellious Principles of pretended Religion, the same politick Ends are apparent in both, and their malicious Designs and Practices are mask'd and disguis'd with the same false Colour of their earnest Zeal to vindicate his Majesty's Prerogative from the supposed Oppression of the Parliament: How much these treacherous Pretences have been countenanced by some evil Counsel about his Majesty, may appear in this, That the Proclamation whereby they were declared Traytors, was so long withheld as to the second of *January*, though the Rebellion broke forth in *October* before, and then no more but Forty Copies appointed to be printed; with a special Command from his Majesty not to exceed that Number; and that none of them should be published, 'till his Majesty's Pleasure were further signify'd, as by the



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Warrant appears, a true Copy whereof is hereunto added, so that a few only could take Notice of it; which was made more observable, by the late contrary Proceedings against the Scots, who were in a very quick and sharp manner proclaimed; and those Proclamations forthwith dispersed, with as much diligence as might be, thorow all the Kingdom, and ordered to be read in all Churches, accompanied with publick Prayers and Execrations. Another Evidence of Favour, and Countenance to the Rebels in some Power about his Majesty, is this, That they have put forth, in his Majesty's Name, a causeless Complaint against the Parliament; which speaketh the same Language of the Parliament which the Rebels do, whereby to raise a Belief in Mens Minds, that his Majesty's Affections are alienated, as well as his Person is removed from that his great Council: All which doth exceedingly retard the Supplies of *Ireland*, and more advance the Proceedings of the Rebels, than any Jealousy or Misapprehension begotten in his Subjects, by the Declaration of the Rebels, Injunction of *Rossetti*, or Information of *Trestram Whitcombe*; so that considering the present State and Temper of both Kingdoms, his Royal Presence is far more necessary here than it can be in *Ireland*, for Redemption or Protection of his Subjects there.

His Majesty  
not charged  
with Intention  
of any  
Force.

And whether there be any Cause of his Majesty's great Indignation, for being reproach'd to have intended Force or Threatning to the Parliament: We desire them to consider, who shall read our Declaration, in which there is no Word tending to any such Reproach; and certainly we have been more tender of his Majesty's Honour in this Point, than he, whosoever he was, that did write this Declaration, where, in his Majesty's Name, he doth call God to witness, he never had any such Thought, or knew of any such Resolution of bringing up the Army; which truly will seem strange to those who shall read the Deposition of Mr. *Goring*, the Information of Mr. *Percie*, and divers other Examinations of Mr. *Willmot*, Mr. *Pellard* and others; the other Examination of Captain *Legg*, Sir *Jacob Ashley*, Sir *John Connevers*; and consider the Condition and Nature of the Petition, which was sent unto Sir *Jacob Ashley*, under the Approbation of C. R. which his Majesty doth now acknowledge to be his own Hand; and being full of Scandal to the Parliament, might have proved dangerous to the whole Kingdom, if the Army should have interposed betwixt the King and them, as was desired.

Mr. *Fermin's*  
Escape by his  
Majesty's  
Warrant.

We do not affirm, That his Majesty's Warrant was granted for the Passage of Mr. *Fermin*, after the Desire of both Houses for Restraint of his Servants, but only that he did pass over, after that Restraint, by virtue of such a Warrant. We know the Warrant bears date the Day before our Desire; yet it seems strange to those who know how great Respect and Power Mr. *Fermin* had in Court, that he should begin his Journey in such haste, and in Apparel so unfit for Travel, as a black Sattin Sute, and white Boots, if his going away were designed the Day before.

Accusation of  
the Lord *Kim-*  
*bolton*, &c.

The Accusation of the Lord *Kimbolton*, and the five Members of the House of Commons, is called *A Breach of Privilege*; and truly so it was, and a very high one, far above any Satisfaction that hath been yet given: How can it be said to be largely satisfied, so long as his Majesty laboured to preserve Master Attorney from Punishment, who was the visible Actor in it; so long as his Majesty hath not only justified him, but by his Letter declared, That it was his Duty to accuse them, and that he would have punish'd him if he had not done it: So long as those Members have not the Means of clearing their Innocency, and the Authors of that malicious Charge undiscovered, though both Houses of Parliament have several times petitioned his Majesty to discover them, and that not only upon Grounds of common Justice, but by Act of Parliament, his Majesty is bound to do it: So long as the King refuseth to pass a Bill for their Discharge, alledging, That the Narrative in that Bill is against his Honour, whereby he seems still to avow the Matter of that false and scandalous Accusation, tho' he deserts the Prosecution, offering to pass a Bill for their Acquittal; yet with Intimation, that they must desert the avowing their own Innocency, which would more wound them in Honour, than secure them in Law.

And



And in vindication of this great Privilege of Parliament, we do not know that we have invaded any Privilege belonging to his Majesty, as is alledged in this Declaration.

18. Car.

But we look not upon this only in the Notion of a Breach of Privilege, which might be, tho' the Accusation were true or false, but under the Notion of a heinous Crime in the Attorney, and all other Subjects who had a hand in it, a Crime against the Law of Nature, against the Rules of Justice, that innocent Men should be charged with so great an Offence as Treason, in the Face of the highest Judicatory of the Kingdom, whereby their Lives and Estates, their Blood and Honour are endangered, without Witness, without Evidence, without all possibility of Reparation in a legal Course, yet a Crime of such a Nature, that his Majesty's Command can no more warrant, than it can any other Acts of Injustice. It is true that those things which are evil in their own Nature, such as false Testimony or false Accusation, cannot be the Subject of any Command, or induce any Obligation of Obedience upon any Man, by any Authority whatsoever; therefore the Attorney in this Case was bound to refuse to execute such a Command, unless he had some such Evidence or Testimony as might have warranted him against the Parties, and be liable to make Satisfaction if it should prove false; and it is sufficiently known to every Man, and adjudged in Parliament, That the King can be neither the Relator, Informer, or Witness. If it rest as it is, without further Satisfaction, no future Parliament can be safe, but that the Members may be taken and destroyed at pleasure; yea, the very Principles of Government and Justice will be in danger to be dissolved.

Tumultuous Numbers.

We do not conceive that Numbers do make an Assembly unlawful, but when either the end or manner of their Carriage shall be unlawful. Divers just Occasions might draw the Citizens to *Westminster*, where many publick and private Petitions and other Causes were depending in Parliament, and why that should be found more faulty in the Citizens, than the resort of great numbers every day in the Term to the ordinary Courts of Justice, we know not. That those Citizens were notoriously provoked and assaulted at *Westminster* by Collonel *Lunsford*, Captain *Hide*, with divers others, and by some of the Servants of the Archbishop of *York*, is sufficiently proved; and that afterward they were more violently wounded, and most barbarously mangled with Swords by the Officers and Soldiers near *Whitehall*, many of them being without Weapons, and giving no Cause of Distaste, as is likewise proved by several Testimonies; but of any scandalous or seditious Misdemeanours of theirs, that might give his Majesty good Cause to suppose his own Person, or those of his Royal Consort or Children to be in apparent Danger, we have had no Proof ever offered to either House; and if there had been any Complaint of that kind, it is no doubt the Houses would have been as forward to joyn in an Order for the Suppressing such Tumults, as they were not long before upon another Occasion, when they made an Order to that purpose. Whereas those Officers and Soldiers which committed that Violence upon so many of the Citizens at *Whitehall*, were cherish'd and fostred in his Majesty's House: And when not long after the Common-Council of *London* presented a Petition to his Majesty for Reparation of those Injuries; his Majesty's Answer was, (without hearing the Proof of the Complainants) That if any Citizen were wounded or ill-treated, his Majesty was confidently assured, that it happened by their own evil and corrupt Demeanors.

We hope it cannot be thought contrary to the Duty and Wisdom of a Parliament, if many concurring, and frequently reiterated and renewed Advertisements from *Rome*, *Venice*, *Paris*, and other Parts; if the Sollicitations of the Pope's *Nuncio*, and our own discontented Fugitives, do make us jealous and watchful for the Safety of the State. And we have been very careful to make our Expressions thereof so easie and so plain, to the Capacity and Understanding of the People, that nothing might justly stick with them, with Reflection upon the Person of his Majesty. Wherein we appeal to the Judgment of any indifferent Person, who shall read and peruse our own Words.

We must maintain the ground of our Fears to be of that moment, that we cannot discharge the Trust and Duty which lyes upon us, unless we do apply ourselves to the Use of those Means which the Law hath enabled us in Cases



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of this Nature for the necessary Defence of the Kingdom ; and as his Majesty doth graciously declare, The Law shall be the Measure of his Power ; so do we most heartily profess, that we shall always make it the Rule of our Obedience.

*Prudent Omissions in the Answer.*

The next Point of our Declaration was with much Caution artificially passed over by him who drew his Majesty's Answer, it being indeed the Foundation of all our Misery, and his Majesty's Trouble, that he is pleased to hear general Taxes upon his Parliament, without any particular Charge to which they may give Satisfaction, and that he hath often conceived Displeasure against particular Persons upon Mis-information ; and altho' those Informations have been clearly proved to be false, yet he would never bring the Accusers to question which layeth an Impossibility upon honest Men of clearing themselves, and gives Incouragement unto false and unworthy Persons to trouble him with untrue and groundless Informations. Three Particulars we mentioned in our Declaration, which the Penner of that Answer had good Cause to omit ; the Words supposed to be spoken at *Kensington*, the pretended Articles against the Queen, and the groundless Accusation of the six Members of Parliament, there being nothing to be said in Defence or Denial of any of them.

Concerning his Majesty's Desire to join with his Parliament, and with his faithful Subjects, in defence of Religion, and publick Good of the Kingdom ; we doubt not but he will do it fully, when evil Counsellors shall be removed from about him, and until that be, as we shewed before of Words, so must we also say of Laws, that they cannot secure us ; Witness the Petition of Right, which was follow'd with such an Inundation of illegal Taxes, that we had just Cause to think that the Payment of eight hundred and twenty thousand Pounds was an easy Burden to the Common-wealth in exchange of them ; and we cannot but justly think, that if there be a Continuance of such ill Counsellours, and Favour to them, they will by some wicked Device or other, make the Bill for the Triennial Parliament, and those other excellent Laws mentioned in his Majesty's Declaration, of less value than Words.

That excellent Bill for the Continuance of this Parliament was so necessary, that without it we could not have raised so great Sums of Money for the Service of his Majesty and the Common-wealth as we have done, and without which the Ruin and Destruction of the Kingdom must needs have followed. And we are resolved, the gracious Favour of his Majesty expressed in that Bill, and the Advantage and Security which thereby we have from being dissolved, shall not incourage us to do any thing which otherwise had not been fit to have been done. And we are ready to make it good before all the World, that altho' his Majesty hath passed many Bills very advantageous for the Subject, yet in none of them have we bereaved his Majesty of any just, necessary, or profitable Prerogative of the Crown.

We so earnestly desire his Majesty's Return to *London*, for that upon it, we conceive, depends the very Safety and Being of both his Kingdoms. And therefore we must protest, that as for the time past, neither the Government of *London*, nor any Laws of the Land, have lost their Life and Force for his Security ; so for the Future, we shall be ready to do or say any thing that may stand with the Duty or Honour of a Parliament, which may raise a mutual Confidence betwixt his Majesty and Us, as We do wish, and as the Affairs of the Kingdom do require.

Thus far the Answer to that which is called *His Majesty's Declaration*, hath led us. Now we come to that which is intituled, *His Majesty's Answer to the Petition of both Houses, presented to him at York the 26th of March, 1642*. In the beginning whereof, his Majesty wisheth that our Privileges on all parts were so stated, that this way of Correspondency might be preserved with that Freedom which hath been used of old. We know nothing introduced by us, that gives any Impediment hereunto, neither have we affirmed our Priviledges to be broken, when his Majesty denies us any thing, or gives a Reason why he cannot grant it, or that those who advised such Denial, were Enemies to the Peace of the Kingdom, and Favourers of the Irish Rebellion, in which Aspersions, that is turned into a general Assertion, which in our Votes is applied to a particular



particular case, wherefore we must maintain our Votes, that those who advised his Majesty to contradict that which both Houses in the Question concerning the *Militia*, had declared to be Law, and command it should not be obeyed, is a high Breach of Privilege; and that those who advised his Majesty to absent himself from his Parliament, are Enemies to the Peace of the Kingdom, and justly to be suspected to be Favourers of the Rebellion in *Ireland*. The Reasons of both are evident, because in the first there is as great a Derogation from the Trust and Authority of Parliament; and in the second, as much Advantage to the Proceedings and Hopes of the Rebels as may be: And we hold it a very causeless Imputation upon the Parliament, that we have herein any way impeach'd, much less taken away the Freedom of his Majesty's Vote, which doth not import a Liberty for his Majesty to deny any thing, how necessary soever, for the Preservation of the Kingdom, much less a License to evil Counsellors, to advise any thing, though never so destructive to his Majesty and his People.

By the Message of the 20th of *January*, his Majesty did propound to both Houses of Parliament, that they would with all speed fall into a serious Consideration of all those Particulars which they thought necessary as well for the upholding and maintaining his Majesty's just and regal Authority, and for the settling his Revenue, as for the present and future establishing our Privileges, the free and quiet enjoying our Estates, the Liberties of our Persons, the Security of the true Religion professed in the Church of *England*, and the settling of Ceremonies in such a manner as may take away all just Offence, and to digest it into one entire Body.

To that Point of upholding and maintaining his Royal Authority, we say nothing hath been done to the Prejudice of it, that should require any new Provision: To the other of settling the Revenue, the Parliament hath no way abridged or disordered his just Revenue; but it is true that much Waste and Confusion of his Majesty's Estate hath been made by those evil and unfaithful Ministers, whom he hath imployed in the managing of it, whereby his own ordinary Expences would have been disappointed, and the Safety of the Kingdom more endangered, if the Parliament had not in some measure provided for his Household, and for some of the Forts, more than they were bound to do; and they are still willing to settle such a Revenue upon his Majesty, as may make him live royally, plentifully, and safely; but they cannot in Wisdom and Fidelity to the Common-wealth do this, 'till he shall chuse such Counsellors and Officers as may order and dispose it to the publick Good, and not apply it to the Ruin and Destruction of his People, as heretofore it hath been. But this and the other Matters concerning ourselves, being Works of great Importance, and full of Intricacy, will require so long a Time of Deliberation, that the Kingdom might be ruined before we should effect them. Wherefore we thought it necessary, first, to be Sutors to his Majesty so to order the *Militia*, that the Kingdom being secured, we might with more Ease and Safety apply ourselves to debate of that Message wherein we have been interrupted by his Majesty's Denial of the Ordinance concerning the same, because it would have been in vain for us to labour in other Things, and in the mean Time to leave ourselves naked to the Malice of so many Enemies both at home and abroad; yet we have not been altogether negligent of those Things which his Majesty is pleased to propound in that Message: We have agreed upon a Book of a Rates in a larger Proportion than hath been granted to any of his Majesty's Predecessors, which is a considerable Support of his Majesty's publick Charge; and have likewise prepared divers Propositions and Bills for Preservation of our Religion and Liberties, which we intend shortly to present to his Majesty, and to do whatsoever is fit for us to make up this unpleasant Breach betwixt his Majesty and his Parliament.

Whereas divers Exceptions are here taken concerning the *Militia*; first, That his Majesty never deny'd the Thing, but accepted the Persons (except for Corporations) only that he deny'd the way. To which we answer, That that Exception takes off *London*, and all other great Towns and Cities, which makes a great part of the Kingdom; and for the way of Ordinance it is ancient, more speedy, more easily alterable, and in all these and other respects, more proper and more applicable to the present Occasion, than a Bill, which his Majesty calls the



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the only good old way of imposing upon the Subjects. It should seem that neither his Majesty's Royal Predecessors, nor our Ancestors have heretofore been of that Opinion; 37 Ed. 3. we find this Record, 'The Chancellor made Declaration of the Challenge of the Parliament; the King desires to know the Grievs of his Subjects, and to redress Enormities. The last Day of the Parliament the King demanded of the whole Estates, Whether they would have such Things as they agreed on, by way of Ordinance or Statute, who answered, By way of Ordinance, for that they might amend the same at their pleasure, and so it was.

But his Majesty objects further, That there is somewhat in the Preface to which he could not consent with Justice to his Honour and Innocence, and that thereby he is excluded from any power in the disposing of it. These Objections may seem somewhat, but indeed will appear nothing, when it shall be considered, that nothing in the Preamble lays any Charge upon his Majesty, or in the Body of the Ordinance, that excludes his Royal Authority in the disposing or execution of it: But only it is provided, That it should be signify'd by both Houses of Parliament, as that Channel thro' which it will be best derived, and most certainly to those ends for which it is intended, and let all the World judge, whether we have not Reason to insist upon it, that the Strength of the Kingdom should rather be ordered according to the Direction or Advice of the great Council of the Land, equally intrusted by the King and by the Kingdom, than that the Safety of the King, Parliament, and Kingdom should be left at the Devotion of a few unknown Counsellors, many of them not intrusted at all by the King in any publick way, not at all confided in by the Kingdom.

We wish the Danger were not imminent, or not still continuing, but cannot conceive that the long time spent in this Debate is Evidence sufficient that there was no such Necessity or Danger, but a Bill might easily have been prepared; for when many Causes do concur to the Danger of a State, the Interruption of any one may hinder the Execution of the rest, and yet the Design be still kept on foot for better Opportunities. Who knows whether the ill Success of the Rebels in *Ireland* had not hinder'd the Insurrection of the Papists here? Whether the preservation of the six Members of the Parliament falsely accused, hath not prevented that Plot of the breaking the neck of the Parliament, of which we were informed from *France*, not long before they were accused? Yet since his Majesty hath been pleased to express his Pleasure rather for a Bill than an Ordinance, and that he sent in one for that purpose, we readily entertained it, and with some small and necessary Alterations, speedily passed the same: But contrary to the Custom of Parliament, and our Expectation grounded upon his Majesty's own Invitation of us to that way, and the other Reasons manifested in our Declaration concerning the *Militia* of the 5th of *May*, instead of his Royal Assent, we met with an absolute Refusal.

If the Matter of these our Votes of the 15th and 16th of *March*, be according to Law, we hope his Majesty will allow the Subjects to be bound by them, because he hath said, He will make the Law the Rule of his Power; and if the Question be, Whether that be Law which the Lords and Commons have once declared to us so, who shall be the Judge? Not his Majesty; for the King judgeth not of Matters of Law, but by his Courts; and his Courts, tho' sitting by his Authority, expect not his Assent in Matters of Law: Nor any other Courts, for they cannot judge in that case because they are inferiour; no Appeal lying to them from Parliament, the Judgment whereof is, in the Eye of the Law, the King's Judgment in his highest Court; though the King in his Person be neither present nor assenting thereunto.

The Votes at which his Majesty takes Exceptions, are these,

I. *That the King's Absence so far remote from the Parliament, is not only an Obstruction, but may be a Destruction to the Affairs of Ireland.*

II. *That when the Lords and Commons shall declare what the Law of the Land is, to have this not only questioned and controverted, but contradicted, and a Command that it should not be obeyed, is a high Breach of the Privilege of Parliament.*

III. *That*



III. *That those Persons that advised his Majesty to absent himself from the Parliament, are Enemies to the Peace of the Kingdom, and justly may be suspected to be Favourers of the Rebellion in Ireland.*

18. Car.

*That the Kingdom hath been of late, and still is in so imminent Danger, both from Enemies abroad, and a Popish and discontented Party at home, that there is an urgent and inevitable Necessity of putting his Majesty's Subjects into a Posture of Defence, for the safe-guard both of his Majesty and his People.*

*That the Lords and Commons fully apprehending this Danger, and being sensible of their own Duty, to provide a suitable Prevention, have in several Petitions addressed themselves to his Majesty, for the ordering and disposing the Militia of the Kingdom, in such a way as was agreed upon by the Wisdom of both Houses, to be most effectual and proper for the present Exigents of the Kingdom, yet could not obtain it; but his Majesty did several Times refuse to give his Royal Assent thereunto.*

*That in this case of extream Danger, and his Majesty's Refusal, the Ordinance of Parliament agreed upon by both Houses for the Militia, doth oblige the People, and ought to be obeyed by the Fundamental Laws of this Kingdom.*

By all which it doth appear, that there is no colour that by this Tax we go about to introduce a new Law, much less to exercise an Arbitrary Power, but indeed to prevent it; for this Law is as old as the Kingdom. That the Kingdom must not be without a Means to preserve itself; which that it may be done without Confusion, this Nation hath intrusted certain Hands with a Power to provide, in an orderly and regular Way, for the Good and Safety of the Whole; which Power, by the Constitution of this Kingdom, is in his Majesty, and in his Parliament together: Yet since the Prince being but one Person, is more subject to Accidents of Nature and Chance, whereby the Commonwealth may be deprived of the Fruit of that Trust which was in part reposed in him, in Cases of such Necessity, that the Kingdom may not be enforced presently to return to its first Principles, and every Man left to do what is aright in his own Eyes, without either Guide or Rule: The Wisdom of this State hath intrusted the Houses of Parliament with a Power to supply what shall be wanting on the part of the Prince, as is evident by the constant Custom and Practice thereof, in Cases of Nonage, natural Disability and Captivity; and the like Reason doth and must hold for the exercise of the same Power in such Cases, where the Royal Trust cannot be, or is not discharged, and that the Kingdom runs an evident and imminent Danger thereby; which Danger having been declared by the Lords and Commons in Parliament, there needs not the Authority of any Person or Court to affirm; nor is it in the Power of any Person or Court to revoke that Judgment.

We know the King hath Ways enough in his ordinary Courts of Justice, to punish such seditious Pamphlets and Sermons, as are any way prejudicial to his Rights, Honour, and Authority; and if any of them have been so insolently violated and villify'd, his Majesty's own Council and Officers have been too blame, and not the Parliament: We never did restrain any Proceedings of this kind in other Courts, nor refuse any fit Complaint to us. The Protestation protested, was referred by the Common's House to a Committee, and the Author being not produced, the Printer was committed to Prison, and the Book voted by that Committee to be burnt; but Sir Edward Deering, who was to make that Report of the Votes of that Committee, neglected to make it. The Apprentices Protestation was never complained of, but the other seditious Pamphlet (*To your Tents, O Israel!*) was once questioned, and the full prosecution of it was not interrupted by any Fault of either House, whose forwardness to do his Majesty all Right therein, may plainly appear, in that a Committee of Lords and Commons was purposely appointed to take such Information as the King's Counsel should present, concerning seditious Words, Practices or Tumults, Pamphlets or Sermons, tending to the Derogation of his Majesty's Rights or Prerogative; and his Counsel were enjoined by that Committee, to enquire and present



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present them; who several times met thereupon, and received this Answer and Declaration from the King's Counsel, that they knew of no such thing as yet.

If his Majesty had used the Service of such a one in penning this Answer, who understood the Laws and Government of this Kingdom, he would not have thought it legally in his Power to deny his Parliament a Guard when they stood in need of it, since every ordinary Court hath it; neither would his Majesty, if he had been well informed of the Laws, have refused such a Guard as they desired, it being in the Power of inferiour Courts to command their own Guard; neither would he have imposed upon them such a Guard under a Commander which they could not confide in; which is clearly against the Privileges of Parliament, and of which they found very dangerous Effects, and therefore desired to have it discharged; but such a Guard, and so commanded, as the Houses of Parliament desired, they could never obtain of his Majesty; and the placing of a Guard about them contrary to their Desire, was not to grant a Guard to them, but in effect to set one upon them. All which consider'd, we believe, in the Judgments of any indifferent Persons, it will not be thought strange if there were a more than ordinary Resort of People at *Westminster*, of such as came willingly of their own accord to be Witnesses and Helpers of the Safety of them whom all his Majesty's good Subjects are bound to defend from Violence and Danger; or that such a Concourse as this, they carrying themselves quietly and peaceably, (as they did) ought, in his Majesty's Apprehension, or can, in the Interpretation of the Law, be held Tumultuary and Seditious.

When his Majesty, in that Question of Violation of the Laws, had expressed the observation of them indefinitely, without any limitation of Time, altho' we never said or thought any thing that might look like a Reproach to his Majesty, yet we had reason to remember that it had been otherwise, lest we should seem to desert our former Complaints and Proceedings thereupon, as his Majesty doth seem but little to like or approve of them; for altho' he doth acknowledge here that great Mischief that grew by that Arbitrary Power then complained of, yet such are continually preferred and countenanced as were Friends or Favourers, or related unto the chief Authors and Actors of that Arbitrary Power, and of those false Colours, Suggestions of imminent Danger and Necessity, whereby they did make it plausible unto his Majesty. And on the other side, such as did appear against them, are daily discountenanced and disgraced; which whilst it shall be so, we have no reason to judge the Disease to be yet killed and dead at Root, and therefore no reason to bury it in Oblivion. And whilst we behold the Spawns of those mischievous Principles, cherish'd and fostered in that new Generation of Counsellors, Friends and Abettors of the former, or at least concurring with them in their Malignancy against the Proceedings of this Parliament, we cannot think ourselves secure from the like or a worse Danger.

And here the Penner of this Answer bestows an Admonition upon the Parliament, bidding us take heed we fall not upon the same Error, upon the same Suggestions. But he might have well spared this, 'till he could have shewed wherein we had exercised any Power otherwise than by the Rule of the Law, or could have found a more authentick or higher Judge in Matters of Law, than the High Court of Parliament.

It is declared, in his Majesty's Name, That he is resolved to keep the Rule himself, and to his power to require the same of all others. We must needs acknowledge, that such a Resolution is like to bring much Happiness and Blessing to his Majesty, and all his Kingdoms; yet with Humility we must confess, we have not the Fruit of it, in that Case of my Lord *Kimbolton*, and the other five Members, accused contrary to Law, both Common Law, and the Statute Law, and yet remain unsatisfied; which Case was remembered in our Declaration, as a strange and unheard-of Violation of our Laws. But the Penner of this Answer thought fit to pass it over, hoping that many would read his Majesty's Answer, (which hath been so carefully dispersed) which would not read our Declaration.

Whereas after our ample Thanks and Acknowledgment of his Majesty's Favour in passing many good Bills, we said, That Truth and Necessity enforced us to add this, that in or about the time of passing those Bills, some Design or other hath been on Foot; which if it had taken Effect, would not only have deprived us of the Fruit of those Bills, but would have reduced us to a worse Condition



dition of Confusion than that wherein the Parliament found us. It is now told us, That the King must be most sensible of what we cast upon him, for requital of those good Bills; whereas out of our usual Tenderness of his Majesty's Honour, we did not mention him at all: but so injurious are those wicked Counsellors to the Name and Honour of their Master and Sovereign, that as much as they can, they lay their own Infamy and Guilt upon his Shoulders.

Here God also is called to witness his Majesty's upright Intentions at the passing of those Laws; this we will not question, neither did we give any occasion for such a solemn Asseveration as this is. The Devil is likewise defied, to prove there was any Design with his Majesty's Knowledge or Privity. This might well have been spared, for we spake nothing of his Majesty: But since we are so far taxed as to have it affirmed, that we laid a notorious and false Imputation upon his Majesty, we have thought it necessary, for the just Defence of our own Innocency, to cause the Oaths and Examinations which have been taken concerning the Design, to be published in a full Narration, for Satisfaction of all his Majesty's Subjects; out of which we shall now offer some few Particulars, whereby the World may judge whether we could have proceeded with more Tenderness towards his Majesty than we have done. Mr. *Goring* confesseth, that the King first asked him, Whether he were engaged in any *Cabal* concerning the Army? and commanded him to join with Mr. *Percy* and Mr. *Fermin*, and some others, whom they should find within at Mr. *Percy's* Chamber; where they took the Oath of Secrecy, and then debated of a Design propounded by Mr. *Fermin* to secure the *Tower*, and to consider of bringing up the Army to *London*. And Captain *Legg* confessed, he had received the Draught of a Petition in the King's Presence; and his Majesty acknowledgeth it was from his own Hand: And whosoever reads the Sum of that Petition, as it was proved by the Testimony of Sir *Jacob Astley*, Sir *John Conyers*, and Captain *Legg*, will easily perceive some Points in it, apt to beget in them some Discontent against the Parliament. And can any Man believe there was no Design in the Accusation of the Lord *Kimbolton*, and the rest, in which his Majesty doth avow himself to be both a Commander and an Actor? These things being so, it will easily appear to be as much against the Rule of Prudence, that the Penner of this Answer should entangle his Majesty in this unnecessary Apology; as it is against the Rules of Justice, that any Reparation from us should be either yielded or demanded.

It is professed, in his Majesty's Name, That he is truly sensible of the Burdens of his People, which makes us hope that he will take that Course which will be most effectual to ease them of these Burdens; that is, to join with his Parliament in preserving the Peace of the Kingdom; which by his Absence from them, hath been much endangered, and which by hindering the voluntary Adventures for the Recovery of *Ireland*, and disabling the Subjects to discharge the great Tax laid upon them, is like to make the War much more heavy to the Kingdom. And for his Majesty's Wants, the Parliament hath been no Cause of them; we have not diminished his just Revenue, but have much eased his publick Charge, and somewhat his private. And we shall be ready in a Parliamentary way, to settle his Revenue in such an honourable Proportion, as may be answerable to both, when he shall put himself into such a Posture of Government, that his Subjects may be secure to enjoy his just Protection for their Religion, Laws and Liberties.

We never refused his Majesty's gracious Offer of a free and general Pardon. only we said it could be no Security to our present Fears and Jealousies: And we gave a Reason for it, that those Fears did not arise out of any Guilt of our own Actions, but out of the evil Designs and Attempts of others; and we leave it to the World to judge, whether we herein have deserved so heavy a Tax and Exclamation, (that it was a strange World, when Princes profered Favours are counted Reproaches; such are the Words of his Majesty's Answer) who do esteem that Offer as an Act of Princely Grace and Bounty, which since this Parliament began, we have humbly desired we might obtain, and do still hold it very necessary and advantageous for the generality of the Subjects, upon whom these Taxes and Subsidies lie heaviest; but we see, upon every Occasion, how unhappy we are in his Majesty's Misapprehensions of our Words and Actions.



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We are fully of the King's Mind, as it is here declared, that he may rest so secure of the Affections of his Subjects, that he should not stand in need of Foreign Force to preserve him from Oppression, and are confident that he shall never want an abundant Evidence of the good Wishes and Assistance of his whole Kingdom, especially if he shall be pleased to hold to that gracious Resolution of building upon that sure Foundation, the Law of the Land: but why his Majesty should take it ill, that we having received Informations so deeply concerning the Safety of the Kingdom, should think them fit to be considered of, we cannot conceive; for altho the Name of the Person was unknown, yet that which was more substantial to the Probability of the Report was known (that is) that he was Servant to the Lord *Digby*, who in his presumptuous Letter to the Queen's Majesty, and other Letters to Sir *Lewis Dives*, had intimated some wicked Proposition suitable to that Information; but that this should require Reparation, we hold it as far from Justice as it is from Truth, that we have mixed any Malice with these Rumours, thereby to feed the Fears and Jealousies of the People.

It is affirmed his Majesty is driven (but not by us yet) from us; perchance hereafter if there be Opportunity of gaining more Credit, there will not be wanting who will suggest unto his Majesty, that it is done by us. And if his Majesty were driven from us, we hope it was not by his own Fears, but by the Fears of the Lord *Digby*, and his Retinue of Cavaliers; and that no Fears of any tumultuary Violence, but of their just Punishment for their manifold Insolence and intended Violence against the Parliament. And this is expressed by the Lord *Digby* himself, when he told those Cavaliers, that the principal Cause of his Majesty's going out of Town, was to save them from being trampled in the Dirt; but of his Majesty's Person there was no Cause of Fear in the greatest Heat of his People's Indignation, after the Accusation, and his Majesty's violent coming to the House; there was no Shew of any evil Intention against his Regal Person, of which there can be no better Evidence than this, that he came the next day without a Guard into the City, where he heard nothing but Prayers and Petitions, no Threatnings or irreverent Speeches, that might give him any just Occasion of Fear, that we have heard of, or that his Majesty express: for he staid near a Week after at *White-hall* in a secure and peaceable Condition, whereby we are induced to believe that there is no Difficulty nor Doubt at all, but his Majesty's Residence near *London*, may be as safe as in any part of the Kingdom. We are most assured of the Faithfulness of the City and Suburbs; and for our selves, we shall quicken the Vigour of the Laws, the Industry of the Magistrate, the Authority of the Parliament for the suppressing of all tumultuary Insolences whatsoever, and for the vindicating of his Honour from all insupportable and insolent Scandals, if any such shall be found to be raised upon him, as are mentioned in this Answer; and therefore we think it altogether unnecessary, and exceeding inconvenient to adjourn the Parliament to any other Place.

Where the Desire of a good Understanding betwixt the King and the Parliament, is on both Parts so earnest, as is here profess'd by his Majesty to be in him, and we have sufficiently testified to be in our selves, it seems strange we should be so long asunder; it can be nothing else but evil and malicious Counsel misrepresenting our Carriage to him, and indisposing his Favour to us: and as it shall be far from us to take any Advantage of his Majesty's supposed Straits, as to desire, much less to compel him to that which his Honour or Interest may render unpleasant and grievous to him; so we hope that his Majesty will not make his own Understanding or Reason the Rule of his Government, but will suffer himself to be assisted with a wise and prudent Council, that may deal faithfully betwixt him and his People; and that he will remember that his Resolutions do concern Kingdoms, and therefore ought not to be moulded by his own, much less by any other private Person, which is not alike proportionable to so great a Trust. And therefore we still desire and hope that his Majesty will not be guided by his own Understanding, or think those Courses Straits and Necessities, to which he shall be advised by the Wisdom of both Houses of Parliament, which are the Eyes in this politick Body, whereby his Majesty is by the Constitution of this Kingdom, to discern the Differences of those things which concern the publick Peace and Safety thereof.



We have given his Majesty no cause to say, that we do meanly value the discharge of his publick Duty, whatsoever Acts of Grace or Justice have been done, they proceed from his Majesty by the Advice and Counsel of his Parliament; yet we have, and shall always answer them with constant Gratitude, Obedience and Affection: And altho many things have been done since this Parliament of another nature, yet we shall not cease to desire the continued Protection of Almighty God upon his Majesty; and most humbly petition him to cast from him all those evil and contrary Counsels which have in many particulars formerly mentioned, much detracted from the Honour of his Government, the Happiness of his own Estate, and Prosperity of his People.

And having past so many Dangers from abroad, so many Conspiracies at home, and brought on the publick Work so far, through the greatest Difficulties that ever stood in opposition to a Parliament, to such a degree of Success, that nothing seems to be left in our way able to hinder the full Accomplishment of our Desires and Endeavours for the publick Good; unless God in his Justice do send such a grievous Curse upon us, as to turn the Strength of the Kingdom against itself, and to effect that by their own Folly and Credulity, which the Power and Subtily of their and our Enemies could not attain; that is, to divide the People from the Parliament, and to make them serviceable to the Ends and Aims of those who would destroy them. Therefore we desire the Kingdom to take notice of this last most desperate and mischievous Plot of the Malignant Party, that is acted and prosecuted in many parts of the Kingdom, under plausible Notions of stirring them up to a Care of preserving the King's Prerogative, maintaining the Discipline of the Church, upholding and continuing the Reverence and Solemnity of God's Service, and encouraging of Learning. And upon these Grounds divers mutinous Petitions have been framed in *London, Kent,* and other Counties; and sundry of his Majesty's Subjects have been solicited to declare themselves for the King against the Parliament: and many false and foul Aspersions have been cast upon our Proceedings, as if we had been not only negligent, but averse in these Points: Whereas we desire nothing more than to maintain the Purity and Power of Religion, and to honour the King in all his just Prerogatives; and for Encouragement and Advancement of Piety and Learning, we have very earnestly endeavoured, and still do to the utmost of our Power, that all Parishes may have learned, pious and sufficient Preachers, and all such Preachers competent Livings.

Many other Bills and Propositions are in preparation for the King's Profit and Honour, the People's Safety and Prosperity: In the Proceedings whereof, we are much hindred by his Majesty's Absence from the Parliament, which is altogether contrary to the Use of his Predecessors, and the Privileges of Parliament, whereby our Time is consumed by a multitude of unnecessary Messages, and our Innocency wounded by causeless and sharp Invectives. Yet we doubt not but we shall overcome all this at last, if the People suffer not themselves to be deluded with false and specious Shews, and so drawn to betray us to their own undoing, who have ever been willing to hazard the undoing of our selves, that they might not be betrayed by our Neglect of the Trust reposed in us: but if it were possible they should prevail herein, yet we would not fail through God's Grace still to persist in our Duties, and to look beyond our own Lives, Estates and Advantages, as those who think nothing worth the enjoying without the Liberty, Peace and Safety of the Kingdom; nor any thing too good to be hazarded in discharge of our Consciences, for the obtaining of it: and shall always repose our selves upon the Protection of Almighty God, which we are confident shall never be wanting to us (while we seek his Glory) as we have found it hitherto wonderfully going along with us in all our Proceedings.

Die Jovis 19 Maii, 1642.

**I***t is this day ordered by the Lords and Commons in Parliament assembled, That this Declaration, together with the Depositions, shall be forthwith printed and published.*

John Brown, Cler. Parl.

[The Depositions and Letters here mentioned, we have elsewhere occasionally recited, and therefore forbear to repeat them.]



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The King's  
Answer to the  
Remonstrance  
of the 19th of  
May 1642.

His Majesty's Answer to a Book, Entituled, *The Declaration or Remonstrance of the Lords and Commons of the 19th of May, 1642.*

IF We could be weary of taking any Pains for the Satisfaction of Our People, and to undeceive them of those specious mischievous Infusions which are daily instilled into them, to shake and corrupt their Loyalty and Affection to Us and Our Government, after so full and ample Declaration of Our Self and Intentions, and so fair and satisfactory Answers to all such Matters as have been objected to Us by a major part present of both Houses of Parliament, We might well give over this Labour of Our Pen, and sit still till it shall please God so to enlighten the Affections and Understandings of Our good Subjects on Our behalf (which We doubt not but that in his good time he will do) that they may see Our Sufferings are their Sufferings. But since, instead of applying themselves to the Method proposed to Us, of making such solid particular Propositions as might establish a good Understanding between Us, or of following the Advice of Our Council of Scotland (with whom they communicate their Affairs) in forbearing all Means that might make the Breach wider and Wound deeper; they have chosen to pursue Us with new Reproaches, or rather to continue and improve the old, by adding and varying little Circumstances and Language, in Matters formerly urged by them, and fully answered by Us. We prevailed with Our Self, upon very mature and particular Consideration of it, to answer the late printed Book, intituled, *A Declaration or Remonstrance of the Lords and Commons*, which was ordered the 19th of May last to be printed and publish'd, hoping then that they would put Us to no more of this Trouble, but that that should have been the last of such a nature they would have communicated to Our People, and that they would not, as they have done since, thought fit to assault Us with a newer Declaration, indeed of a very new Nature and Learning, which must have another Answer. And We doubt not but that Our good Subjects in a short time will be so well instructed in the Differences and Mistakings between Us, that they will plainly discern, without resigning their Reason and Understanding to Our Prerogative, or the Infallibility of a now major part of both Houses of Parliament (infected by a few malignant Spirits) where the Fault is.

Tho we shall with Humility and Alacrity be always forward to acknowledge the Infinite Mercy and Providence of Almighty God, vouchsafed so many several ways to Our Self and this Nation; yet since God himself doth not allow that We should fancy and create Dangers to Our Self, that We might manifest and publish his Mercy in Our Deliverance, We must profess We do not know those Deliverances, mentioned in the beginning of that Declaration, from so many wicked Plots and Designs since the beginning of this Parliament, which if they had taken effect, would have brought Ruin and Destruction upon this Kingdom. We well know the great Labour and Skill hath been used to amaze and affright Our good Subjects with Fears and Apprehensions of Plots and Conspiracies, the several Pamphlets published, and Letters scattered up and down full of such ridiculous contemptible Animadversions to that purpose, as (tho they found, for what end God knows, very unusual Countenance) no sober Man could be moved with them. But We must confess, We have never been able to inform Our Self of any such pernicious formed Design against the Peace of this Kingdom, since the beginning of this Parliament, as is mentioned in that Declaration, or might be any Warrant to those great Fears both Our Houses of Parliament seemed to be transported with; but We have great Cause to believe more Mischiefe and Danger hath been raised and begotten to the Disturbance of this Kingdom, than cured or prevented by those Fears and Jealousies. And therefore, however the Rumour and Discourse of Plots and Conspiracies may have been necessary to the Designs of particular Men, they shall do well not to pay any false Devotions to Almighty God, who discerns whether Our Dangers are real or pretended.

For the bringing up the Army to London, as We have heretofore (by no other Direction than the Testimony of a good Conscience) called God to witness,

We



‘ We never had, or knew any such Resolution ; so that upon the View of the Depositions now published with that Declaration, it is not evident to Us there was ever such a Design, unless every loose Discourse or Argument be Instance enough of such a Design. And it is apparent, that what was said of it, was near three Months before the Discovery to both Houses of Parliament : so that if there were any Danger threatned that way, it vanished without any Resistance or Prevention, by the Wisdom, Power or Authority of them.

‘ It seems the Intention of that Declaration (whatsoever other end it hath) is to answer a Declaration they received from Us, in Answer to that which was presented to Us at *Newmarket* the 9th of *March* last ; and likewise to Our Answer to the Petition of both Houses, presented to Us at *York*, the 26th of *March* last. But before that Declaration falls upon any Particulars of Our said Declaration or Answer, it complains, That the Heads of the Malignant Party have, with much Art and Industry, advised Us to suffer divers unjust Scandals and Imputations upon the Parliament, to be published in Our Name, whereby they might make it odious to the People, and by their help destroy it : But not instancing in any one Scandal or Imputation so published by Us, we are still to seek for the Heads of the Malignant Party. But Our good Subjects will easily understand, That if We were guilty of that Aspersion, We must not only be active in raising the Scandal, but passive in the Mischiefe begotten by that Scandal, We being an essential Part of the Parliament : and We hope the just Defence of Our Self and Our Authority, and the necessary Vindication of Our Innocence and Justice from the Imputation laid on Us by a major part then present of either or both Houses, shall no more be called a Scandal upon the Parliament, than the Opinion of such a Part be reputed an Act of Parliament. And We hope Our good Subjects will not be long misled by that common Expression in all the Declarations, wherein they usurp the Word *Parliament*, and apply it to countenance any Resolution or Vote some few have a mind to make, by calling it, *The Resolution of Parliament*, which can never be without Our Consent ; neither can the Vote of either, or both Houses, make a greater Alteration in the Laws of this Kingdom (so solemnly made by the Advice of their Predecessors, with the Concurrence of Us and Our Ancestors) either by commanding or inhibiting any thing (besides the known Rule of the Law) than Our single Direction or Mandate can do, to which we do not ascribe the Authority.

‘ But that Declaration informs Our People, that the Malignant Party hath drawn Us into the Northern Parts far from Our Parliament. It might more truly and properly have said, that it hath driven, than drawn Us hither. For We confess Our Journey hither (for which We have no other reason to be sorry, than with reference to the Cause of it) was only forced upon Us by the true Malignant Party, which contrived and countenanced those barbarous Tumults, and other seditious Circumstances, of which We have so often complained, and hereafter shall say more, and which indeed threatens so much Danger to Our Person, and laid so much Scandal upon the whole Privilege and Dignity of Parliament, that we wonder it can be mentioned without Blushes or Indignation : But of that anon. But why the Malignant Party should be charged with causing a Press to be transported to *York*, We cannot imagine ; neither have any Papers or Writings issued from thence, to Our Knowledge, but what have been extorted from Us by such Provocations, as have not been before offered to a King. And no doubt it will appear a most trivial and fond Exception, when all Presses are open to vent whatsoever they think fit to say to the People, (a thing unwarranted by former Custom) that We should not make use of all lawful Means to publish Our just and necessary Answers thereunto. As for the Authority of the Great Seal (tho We do not know that it hath been necessary to things of this nature) the same shall be more frequently used hereafter, as occasion shall require ; to which We make no doubt the greater and better part of Our Privy-Council will concur, and whose Advice We are resolved to follow, as far as it shall be agreeable to the Good and Welfare of the Kingdom.

‘ Before that Declaration vouchsafes to insist on any Particulars, it is pleased to censure both Our Declaration and Answer, to be filled with harsh Censures, and causeless Charges upon the Parliament (still misapplying the Word *Parliament*



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liament to the Vote of both Houses) concerning which they resolve to give satisfaction to the Kingdom, since they find it very difficult to satisfy us. If, as in the Usage of the Word *Parliament*, they have left us out of their Thoughts; so by the Word *Kingdom*, they intend to exclude all our People, who are out of their Walls; (for that's grown another Phrase of the Time, The Vote of the major Part of both Houses, and sometimes of one, is now called, *The Resolution of the whole Kingdom*) we believe it may not be hard to give Satisfaction to themselves; otherwise we are confident (and our Confidence proceeds from the Uprightness of our own Conscience) they will never be able so to sever the Affections of us and our Kingdom, that what cannot be Satisfaction to the one, shall be to the other. Neither will the Style of *Humble and Faithful*, and telling us, *That they will make us a Great and Glorious King*, in their Petitions and Remonstrances, so deceive our good Subjects, that they will pass over the Reproaches, Threats and Menaces, they are stuffed with, which sure could not be more gently reprehended by us, than by saying, Their Expressions were different from the usual Language to Princes, which that Declaration tells you, we had no occasion to say. But we believe, whoever looks over that Declaration presented to us at *Newmarket*, to which ours was an Answer, will find the Language throughout it, to be so unusual, that, before this Parliament, it could never be parallel'd, whilst under pretence of justifying their Fears, they give so much Countenance to the Discourse of the Rebels of *Ireland*, as if they had a mind our good Subjects should give credit to it: otherwise, being warranted by the same Evidence, which they have since published, they would have as well declared, That those Rebels publicly threaten the rooting out the Name of the *English*, and that they will have a King of their own, and no longer be governed by us; as that they say, That they do nothing but by our Authority, and that they call themselves, *The Queen's Army*. And therefore we have great reason to complain of the absence of Justice and Integrity in that Declaration, besides the Unfitness of other Expressions. Neither did we mistake the Substance or Logick of the Message to us at *Theobalds*, concerning the *Militia*, which was no other, and is stated to be no other (even by that Declaration which reproved us) than a plain Threat, *That if we refused to join with them, they would make a Law without us*. Nor hath the Practice since that been other, which will never be justified to the most ordinary (if not partial) Understandings, by the mere averring it to be according to the Fundamental Laws of this Kingdom, without giving any direction, that the most cunning and learned Men in the Laws may be able to find those Foundations. And we must appeal to all the World, Whether they might not with as much Justice, and by as much Law, have seized upon the Estate of every Member of both Houses, who dissented from that pretended Ordinance, (which much the major part of the House of Peers did two or three several times) as they have invaded that Power of ours over the *Militia*, because we (upon Reasons they have not so much as pretended to answer) refuse to consent to that Proposition: And if no better effects than Loss of Time, and Hindrance of the publick Affairs, have been found by our Answers and Replies, let all good Men judge, by whose Default, and whose want of Duty such Effects have been: For as our End (indeed only End) in those Answers and Replies hath been the Settlement and Composure of publick Affairs, so we are assured, and most Men do believe, That if that due Regard and Reverence had been given to our Words, and that Consent and Obedience to our Counsels, which we did expect, there had been before this time a chearful Calm upon the Face of the whole Kingdom, every Man enjoying his own, with all possible Peace and Security that can be imagined; which surely those Men do not desire, who (after all those Acts of Justice and Favour passed by us this Parliament, all those Affronts and Sufferings endured and undergone by us) think fit still to reproach us with Ship-money, Coat and Conduct-money, and other things so abundantly declared (as that Declaration it self confesses) in the general Remonstrance of the State of the Kingdom, published in *November* last, which we wonder to find now avowed to be the Remonstrance of both Houses, and which we assure was presented to us only by the House of Commons; and did never, and we are confident, in that time, could never have passed the House of Peers; the Concurrence and Authority of which was not



then thought necessary. Shall we believe those Reproaches to be the Voice of the Kingdom of *England*? That all our loving Subjects, eased, refreshed, strengthened, and abundantly satisfy'd with our Acts of Grace and Favour towards them, are willing to be involved in these unthankful Expressions? We must appeal to the Thanks and Acknowledgments published in the Petitions of most of the Counties of *England*, to the Testimony and Thanks we have received from both Houses of Parliament, how seasonable, how agreeable this Usage of us is to our Merit, or their former Expressions.

We have not at all swerved or departed from our Resolution, or Words, in the beginning of this Parliament. We said, we were resolved to put our self freely and clearly upon the Love and Affection of our *English* Subjects; and we say so still, as far as concerns *England*. And we call Almighty God to witness all our Complaints and Jealousies, which have never been causeless, not of our Houses of Parliament, (but of some few schismatical, factious and ambitious Spirits, and upon such Grounds, as short time, we fear, will justify to the World) our Denial of the Militia, our absenting our self from *London*, have been the Effects of an upright and faithful Affection to our *English* Subjects, that we may be able (through all the Inconveniences we are compelled to wrestle with) at last to preserve and restore their Religion, Laws and Liberties unto them.

Since the Proceeding against the Lord *Kimbolton*, and the five Members, is still looked upon, and so often pressed as so great an Advantage against us, that no Retraction made by us, nor no Actions since that time committed against us, and the Law of the Land, under the pretence of Vindication of Privilege, can satisfy the Contrivers of that Declaration, but that they would have our good Subjects believe, the Accusation of those six Members must be a Plot for the breaking the Neck of the Parliament, (a strange Arrogance, if any of those Members had the penning of that Declaration) and that it is so often urged against us, as if by that single casual Mistake of ours (in Form only) we had forfeited all Duty, Credit and Allegiance from our People; We must, without endeavouring to excuse that, *which in truth was an Error* (our going to the House of Commons) give our People a clear and full Narration of the Matter of Fact, assuring our self, that our good Subjects will not find our Carriage in that Business, such as hath been reported.

When we resolved upon such Grounds, as when they shall be published, will satisfy the World, that it was fit for our own Safety and Honour, and the Peace of the Kingdom, to proceed against those Persons; tho we well know there was no degree of Privilege in that Case, yet (to shew our Desire of Correspondency with the two Houses of Parliament) we chose, rather than to apprehend their Persons by the ordinary Ministers of Justice, (which, according to the Opinion and Practice of former Times, we might have done) to command our Attorney-General to acquaint our House of Peers with our Intention, and the general Matters of our Charge, (which was yet more particular than a mere Accusation) and to proceed accordingly; and at the same time sent a sworn Servant, a Serjeant at Arms, to our House of Commons, to acquaint them, That we did accuse, and intended to prosecute the five Members of that House for High-Treason, and did require that their Persons might be secured in Custody. This we did, not only to shew that we intended not to violate or invade their Privileges, but to use more Ceremony towards them, than we then conceived in Justice might be required of us; and expected at least such an Answer as might inform us, if we were out of the way: But we received none at all; only in the instant, without offering any thing of their Privileges to our Consideration, an Order was made, (and the same Night published in Print) That if any Person whatsoever should offer to arrest the Person of any Member of that House, without first acquainting that House therewith, and receiving further Order from that House, That it should be lawful for such Members, or any Person to resist them, and to stand upon his or their Guard of Defence, and to make resistance according to the Process taken to defend the Privileges of Parliament. And this was the first time that we heard the Protestation might be wrested to such a Sense; or that in any Case (though of the most undoubted and unquestionable Privilege) it might be lawful for any Person to resist, and use Violence against a publick Minister.



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Minister of Justice, armed with lawful Authority, though we well knew, that even such a Minister might be punished for executing such Authority.

Upon viewing this Order, we must confess we were somewhat amazed, having never seen or heard of the like, though we had known Members of either House committed without so much Formality as we had used, and upon Crimes of a far inferiour Nature to those we had suggested; and having no Course proposed to us for our proceeding, we were upon the Matter only told, That against those Persons we were not to proceed at all: That they were above our Reach, or the Reach of the Law. It was then not easy for us to resolve what to do. If we imployed our Ministers of Justice in the usual way for their Apprehension, (who without doubt would not have refused to execute our lawful Commands) we saw what Resistance and Opposition was like to be made, which very probably might cost some Blood. If we sat still, and desisted upon this Terror, we should at the best have confessed our own Want of Power, and the Weakness of the Law. In this Strait we put on a sudden Resolution to try whether our own Presence, and a clear Discovery of our Intentions (which haply might not have been so well understood) could remove those Doubts, and prevent those Inconveniences which seemed to have been threaten'd; and thereupon we resolved to go in our own Person to our House of Commons, which we discovered not till the very Minute of our going; when we sent out Orders, That our Servants, and such Gentlemen as were then in our Court, should attend us to *Westminster*: But giving them express Command, (as we have expressed in our Answer to the Ordinance) that no Accidents of Provocation should draw them to any such Action as might imply a Purpose of Force in us; and our self (requiring those of our Train not to come within the Door) went into the House of Commons: The bare doing of which, we did not then conceive would have been thought more a Breach of Privilege, than if we had gone to the House of Peers, and sent for them to come to us, which is the usual Custom. We used the best Expressions we could, to assure them how far we were from any Intention of violating their Privileges; That we intended to proceed legally and speedily against the Persons we had accused, and desired therefore, if they were in the House, that they might be delivered to us; or if absent, that such a Course might be taken for their forth-coming, as might satisfy our just Demands: and so we departed, having no other purpose of Force, if they had been in the House, than we have before protested before God, in our Answer to the Ordinance. You have an account of our part of this Story fully, let our People judge freely of it. What followed on their part, (tho this Declaration tells you, *It could not withdraw any Part of their Reverence and Obedience from us*; it may be any part of theirs it did not) we shall have too much Cause hereafter to inform the World.

There will be no end of this Discourse, and of upbraiding us with evil Counsellors, if upon our constant denial of knowing any, they will not vouchsafe to inform us of them; and after eight Months amusing the Kingdom with the Expectation of a Discovery of a Malignant Party, and of evil Counsellors, they will not at last name any, nor describe them. Let the Actions and Lives of Men be examined, who have contrived, counselled, actually consented to grieve and burden our People: and if such be about us, or any against whom any notorious malicious Crime can be proved; if we shelter and protect any such, let our Injustice be published to the World: but till that be done, particularly and manifestly, (*for we shall never conclude any Man, upon a bare general Vote of the major Part of either, or both Houses, till it be evident that major Part be without Passion or Affection*) we must look upon the Charge this Declaration puts on us, of cherishing and countenancing a discontented Party of the Kingdom against them, as a heavier and unjust Tax upon our Justice and Honour, than any we have, or can lay upon the Framers of that Declaration.

And now, to countenance those unhandfom Expressions, whereby usually they have implied our Connivance at, or want of Zeal against the Rebellion of Ireland (so odious to all good Men) they have found a new way of Exprobration; That the Proclamation against those bloody Traytors came not out till the beginning of January, though that Rebellion broke out in October; and then by special Command from us, but forty Copies were appointed to be printed. 'Tis well



well known where we were at that time, when that Rebellion brake forth in Scotland; That we immediately from thence recommended the Care of that Business to both Houses of Parliament here, after we had provided for all fitting Supplies from our Kingdom of Scotland: That after our Return hither, we observed all those Forms for that Service, which we were advised to by our Council of Ireland, or both Houses of Parliament here; and if no Proclamation issued out sooner, (of which for the present we are not certain, but think that others before that time were issued by our Directions) it was, because the Lords Justices of the Kingdom desired them no sooner; and when they did, the Number they desired was but Twenty, which they advised might be signed by us; which we, for Expedition of the Service, commanded to be printed, (a Circumstance not required by them) thereupon we signed more of them than our Justices desired. All which was very well known to some Members of one or both Houses of Parliament, who have the more to answer, if they forbore to express it at the passing of this Declaration; and if they did express it, we have the greater Reason to complain, that so envious an Aspersion should be cast on us to our People, when they knew well how to answer their own Objection.

What that Complaint is against the Parliament, put forth in our Name, which is such an Evidence and Countenance to the Rebels, and speaks the same Language of the Parliament which the Rebels do, we cannot understand. All our Answers and Declarations have been, and are owned by us, and have been attested under our own Hand; if any other had been published in our Name, and without our Authority, it would be easy for both Houses of Parliament to discover and apprehend the Authors. And we wish, that whosoever was trusted with the drawing and penning of that Declaration, had no more Authority or Cunning to impose upon, or deceive a major Part of those Votes by which it passed, than any Man hath to prevail with us to publish in our Name any thing but the Sense and Resolution of our own Heart: Or, that the Contriver of that Declaration could, with as good a Conscience, call God to witness, That all his Counsels and Endeavours have been free from all private Aims, personal Respects or Passions whatsoever, as we have done, and do, That we never had or knew of any such Resolution of bringing up the Army to London. And since this new Device is found out, instead of answering our Reasons, or satisfying our just Demands, to blast our Declarations and Answers, as if they were not our own (a bold senseless Imputation) we are sure, that every Answer and Declaration published by us, is much more our own, than any one of those bold, threatening and reproachful Petitions and Remonstrances are the Acts of either, or both Houses. And if the Penner of that Declaration had been careful of the Trust reposed in him, he would never have denied, (and thereupon found fault with our just Indignation) in the Text or Margin, that we never had been charged with the Intention of any Force; and that in their whole Declaration there is no Word tending to such a Reproach: the contrary whereof is so evident, that we are in express Terms charged in that Declaration, That we sent them gracious Messages, when, with our Privy, bringing up the Army was in agitation. And even in this Declaration they seek to make our People believe some such thing to be proved in the Depositions now published, wherein, we doubt not, they will as much fail, as they do in their Censure of that Petition shewed formerly to us by Captain Legg, and subscribed by us with C. R. which, notwithstanding our full and particular Narration of the Substance of that Petition, the Circumstances of our seeing and approving it, this Declaration is pleased to say, was full of Scandal to the Parliament, and might have proved dangerous to the whole Kingdom. If they have this dangerous Petition in their Hands, we have no Reason to believe any Tenderness to us-ward hath kept them from communicating it: If they have it not, we ought to have been believed. But that all good People may compute their other pretended Dangers by their clear understanding of this, the Noise whereof hath not been inferiour to any of the rest, we have recovered a true Copy of the very Petition we signed with C. R. which shall in fit time be published; and which, we hope, will open the Eyes of our good People.



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Concerning our Warrant for Mr. *Jermyn's* Passage, our Answer was true and full; but for his black Sattin Sute, and white Boots, we can give no account.

We complained in our Declaration, and as often as we have Occasion to mention our Return and Residence near *London*, we shall complain of the barbarous and seditious Tumults at *Westminster* and *White-hall*, which indeed were so full of Scandal to our Government, and Danger to our Person, that we shall never think of our Return thither, till we have Justice for what is past, and Security for the time to come. And if there were so great a Necessity, or Desire of our Return, as is pretended, in all this time, upon so often pressing our Desires, and upon Causes so notorious, we should at least have procured some Order for the future. But that Declaration tells us, we are upon the Matter mistaken; the Resort of the Citizens to *Westminster* was as lawful as the Resort of great Numbers every Day in the Term to the ordinary Courts of Justice. They knew no Tumults. Strange! was the disorderly Appearance of so many thousand People with Staves and Swords crying through the Streets, *Westminster-hall*, the Passage between both Houses (inasmuch as the Members could hardly pass to and fro) *No Bishops, Down with the Bishops*; no Tumults? What Member is there of either House that saw not those Numbers, and heard not those Cries? and yet lawful Assemblies! Were not several Members of either House assaulted, threatened and ill-treated? and yet no Tumults! Why made the House of Peers a Declaration, and sent it down to the House of Commons for the suppressing of Tumults, if there were no Tumults? and if there were any, why was not such a Declaration consented to and published? When the Attempts were so visible, and the Threats so loud to pull down the Abby at *Westminster*, had we not just cause to apprehend, that such People might continue their Work to *White-hall*? Yet no Tumults! What a strange time are we in! that a few impudent, malicious (to give them no worse Term) Men should cast such a strange Mist of Error before the Eyes of both Houses of Parliament, as that they either cannot, or will not see how manifestly they injure themselves by maintaining these visible Untruths? We say no more. By the help of God and the Law, we will have Justice for those Tumults.

From excepting (how weightily let every Man judge) to what we have said, that Declaration proceeds to censure us for what we have not said, for the prudent Omissions in our Answer: We forbore to say any thing of the Words spoken at *Kensington*, or the Articles against our dearest Consort, and of the Accusation of the six Members: Of the last we had spoken often, and we thought enough of the other two; having never accused any (tho God knows what Truth there might be in either) we had no reason to give any particular Answer.

We do not reckon our self bereaved of any part of our Prerogative, which we are pleased freely for a time to part with by Bill; yet we must say, we expressed a great Trust in our Two Houses of Parliament, when we de vested our self of the Power of dissolving this Parliament, which was a just, necessary and proper Prerogative: But we are glad to hear their Resolution, that it shall not encourage them to do any thing, which otherwise had not been fit to have been done; if it do, it will be such a Breach of Trust, as God will require an Account for at their hands.

For the *Militia*, we have said so much of it heretofore, and the Point is so well understood by all Men, that we will waste time no more in that Dispute. We never said there was no such thing as an Ordinance (though we know that they have been long disused) but that there never was any Ordinance, or can be without the King's Consent; and that is true: and the unnecessary Precedent cited in the Declaration doth not offer to prove the contrary. But enough of that; God and the Law must determine that Business.

Neither hath this Declaration given us any Satisfaction concerning the Votes of the 15th and 16th of *March* last, which we must declare, and appeal to all the World in the Point, to be the greatest Violation of our Privilege, the Law of the Land, the Liberty of the Subject, and the Right of Parliament, that can be imagined. One of those Votes is, (and there needs no other to destroy the King and People) *That when the Lords and Commons* (it is well



well the Commons are admitted to their part in Judicature) shall declare what the Law of the Land is, the same must be assented to, and obeyed; that is the Sense in few Words. Where is every Man's Property, every Man's Liberty? If a major Part of both Houses declare that the Law is, that the younger Brother shall inherit, What is become of all the Families and Estates in the Kingdom? If they declare, That by the Fundamental Law of the Land, such a rash Action, such an unadvised Word ought to be punished by perpetual Imprisonment, is not the Liberty of the Subject, *durante placito*, remediless? That Declaration confesseth, They pretend not to Power of making new Laws, that without us they cannot do that. They need no such Power, if their Declaration can suspend this Statute from being obeyed or executed, and make this Order, which is no Statute, to be obeyed and executed. If they have Power to declare the Lord Digby waiting on us to Hampton-Court, and thence visiting some Officers at Kingston, with a Coach and six Horses, to be levying of War, and High Treason; and Sir John Hotham's defying us to our Face, keeping our Town, Fort and Goods against us by Force of Arms, to be an Act of Affection and Loyalty, what needs a Power of making new Laws? Or, is there such a thing as Law left? We desire our good Subjects to mark the Reason and Consequence of these Votes, the Progress they have already made, and how infinite that Progress may be. First, They vote the Kingdom is in eminent Danger (it is above three Months since they discerned it) from Enemies abroad, and a Popish and discontented Party at home: that is Matter of Fact, the Law follows. This Vote hath given them Authority by Law (the Fundamental Laws of the Kingdom) to order and dispose of the Militia of the Kingdom, and with this Power, and to prevent that Danger, to enter into our Towns, seize upon our Magazine, and by force keep both from us. Is not this our Case? First, They vote we have an Intention to levy War against our Parliament; that is Matter of Fact: Then they declare, such as shall assist us, to be guilty of High-Treason; that is the Law, and proved by two Statutes themselves know to be repealed: no matter for that, they declare it. Upon this Ground they exercise the Militia, and so actually do that upon us, which they have voted we intend to do upon them. Who doth doth not see the Confusion that must follow upon such a Power of declaring? If they should now vote, That we did not write this Declaration, but that such an one did it, which is still Matter of Fact; and then declare, That for so doing he is an Enemy to the Commonwealth: What is become of the Law that Man was born to? And if all their Zeal for the Defence of the Law, be but to defend that which they declare to be Law, their own Votes, it will not be in their Power to satisfy any Man of their good Intentions to the publick Peace, but such who are willing to relinquish their Titles to Magna Charta, and hold their Lives and Fortunes by a Vote of a major Part of both Houses. In a word, we deny not but they may have Power to declare in a particular doubtful Case regularly brought before them, what Law is; but to make a general Declaration, whereby the known Rule of the Law may be crossed or altered, they have no Power, nor can exercise any, without bringing the Life and Liberty of the Subject to a lawless and arbitrary Subjection.

We complained (and let the World judge the Justice and Necessity of that Complaint) of the Multitude of seditious Pamphlets and Sermons. And that Declaration tells us, They know we have Ways enough in our ordinary Courts of Justice to punish those; so we have to punish Tumults and Riots, and yet they will not serve our turn to keep our Towns, our Forests and Parks from Violence. And it may be, though those Courts have still the Power to punish, they may have lost the Skill to define what Riots and Tumults are; otherwise a Jury in Southwark, legally impannelled to examine a Riot there, would not have been superseded, and the Sheriff enjoined not to proceed, by virtue of an Order of the House of Commons, which it seems at that time had the sole Power of declaring. But it is no wonder, that they who could not see the Tumults, do not consider the Pamphlets and Sermons, though the Author of the *Protestation Protected*, be well known to be Burton (that infamous Disturber of the Peace of this Church and State) and that he preached it at Westminster, in the hearing of divers Members of the House of



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Commons : But of such Pamphlets, and seditious Preachers (divers whereof have been recommended, if not imposed upon several Parishes, by some Members of both Houses, by what Authority we know not) we shall hereafter take a further Account.

We confess we have little Skill in the Laws, and those that have had most, we now find are much to seek : Yet we cannot understand or believe, that every ordinary Court, or any Court, hath Power to raise what Guard they please, and under what Command they please ; neither can we imagine what dangerous Effects they found by the Guard we appointed them, or (indeed) any the least Occasion why they needed a Guard at all.

But of all the Imputations so causlessly and unjustly laid upon us by that Declaration, we must wonder at that Charge so apparently and evidently untrue, That such are continually preferred and countenanced by us, who are Friends or Favourers, or related to the chief Authors and Actors of that Arbitrary Power heretofore practised or complained of. And on the other side, that such as did appear against it, are daily discountenanced and disgraced. We would know one Person that contributed to the Ills of those Times, or had Dependance upon those that did, whom we do, or lately have countenanced or preferred. Nay, we are confident (and we look for no other at their Hands) as they have been always most eminent Assertors of the publick Liberties ; so, if they found us inclined to any thing not agreeable to Honour and Justice, they would leave us to morrow : whether different Persons have not, and do not receive Countenance elsewhere, and upon what Grounds, let all Men judge : and whether we have not been forward enough to honour and prefer those of the most contrary Opinion, how little Comfort soever we have had of those Preferments ; in bestowing of which hereafter we shall be more guided by Mens Actions and Opinions. And therefore we had good cause to bestow that Admonition (for we assure you it was an Admonition of our own) upon both our Houses of Parliament, to take heed of inclining (under the specious Shews of Necessity and Danger) to the Exercise of such an Arbitrary Power they before complained of : The Advice will do no harm, and we shall be glad to see it followed.

And are all the specious Promises, and loud Professions of making us a great and glorious King, of settling a greater Revenue upon us than any of our Ancestors have enjoyed ; of making us to be honoured at home, and feared abroad ; resolved into this, that they will be ready to settle our Revenue in an honourable Proportion, when we shall put our self in such a Posture of Government that our Subjects may be secure to enjoy our just Protection for their Religion, Laws and Liberties ? What Posture of Government they intend, we know not ; nor can we imagine what Security our good Subjects can desire for their Religion, Laws and Liberties, which we have not offered, or fully given ? And is it sutable to the Duty and Dignity of both Houses of Parliament to answer our particular weighty Expressions of the Causes of our Remove from *London* (so generally known to the Kingdom) with a Scoff, That they hope we were driven from thence, not by our own Fears, but by the Fears of the Lord *Digby*, and his Retinue of Cavaliers ? Sure the Penner of that Declaration inserted that ungrave and insolent Expression (as he hath done divers others) without the Consent or Examination of both Houses, who would not so lightly have departed from their former Professions of Duty to us.

Whether the way to a good Understanding between us and our People, hath been as zealously pressed by them, as it hath been professed and desired by us, will be easily discerned by those who observe, that we have left no publick Act undone on our part, which in the least degree might be necessary to the Peace, Plenty and Security of our Subjects, and that they have not dispatched one Act which hath given the least evidence of their particular Affection and Kindness to us ; but on the contrary, have discountenanced and hindred the Testimony other Men would give to us of their Affections ; witness the stopping and keeping back the Bill of Subsidies granted by the Clergy almost a Year since ; which, though our personal Wants are so notoriously known, they will not to this time pass : so not only forbearing to supply us themselves, but keeping the Love and Bounty of other Men from us, and afford



no other Answers to all our Desires, all our Reasons (indeed not to be answered) than, That we must not make our Understanding or Reason the Rule of our Government, but suffer our self to be assisted (which we never denied) by our great Council. We require no other Liberty to our Will, than the meanest of them do, (we wish they would always use that Liberty) not to consent to any thing evidently contrary to our Conscience and Understanding; and we have, and shall always give as much Estimation and Regard to the Advice and Counsel of both our Houses of Parliament, as ever Prince hath done: But we shall never (and we hope our People will never) account the Contrivance of a few (factious seditious Persons, a malignant Party, who would sacrifice the Commonwealth to their own Fury and Ambition) the Wisdom of Parliament: And that the justifying and defending such Persons, (of whom, and of their particular sinister Ways to compass their own bad Ends, we shall shortly inform the World) is not the way to preserve Parliaments, but is the opposing and preferring the Consideration of a few unworthy Persons, before their Duty to their King, or their Care of the Kingdom. They would have us remember that our Resolutions do concern Kingdoms, and therefore are not to be moulded by our own Understanding: We well remember it, but we would have them remember, That when their Consultations endeavour to lessen the Office and Dignity of a King, they meddle with that which is not within their Determination, and of which we must give an account to God and our other Kingdoms, and must maintain with the Sacrifice of our Life.

Lastly, That Declaration tells you of a present desperate and malicious Plot of the Malignant Party now acting, under the plausible Notions of stirring Men up to a Care of preserving the King's Prerogative, maintaining the Discipline of the Church, upholding and continuing the Reverence and Solemnity of God's Service, and encouraging Learning, (indeed plausible and honourable Notions to act any thing upon) and that upon these Grounds divers mutinous Petitions have been framed in *London*, *Kent*, and other Places. Upon what Grounds would these Men have Petitions framed? Have so many Petitions (even against the Form and Constitution of the Kingdom, and the Laws established) been joyfully received and accepted? and shall Petitions framed upon these Grounds be called *Mutinous*? Hath a Multitude of mean, unknown, inconsiderable, contemptible Persons about the City and Suburbs of *London*, had Liberty to petition against the Government of the Church, against the Book of Common-Prayer, against the Freedom and Privilege of Parliament, and been thanked for it? And shall it be called *Mutiny* in the gravest and best Citizens of *London*, in the Gentry and Commonalty of *Kent*, to frame Petitions upon these Grounds, and to desire to be governed by the known Laws of the Land, not by Orders and Votes of either, or both Houses? Can this be thought the Wisdom and Justice of both Houses of Parliament? Is it not evidently the Work of a Faction within or without both Houses, who deceive the Trust reposed in them, and have now told us what *Mutiny* is? To stir up Men to a Care of preserving our Prerogative, maintaining the Discipline of the Church, upholding and continuing the Reverence and Solemnity of God's Service, encouraging of Learning, is *Mutiny*. Let Heaven and Earth, God and Man, judge between us and these Men. And however such Petitions are there called *Mutinous*, and the Petitioners threatened, discounted, censured and imprisoned; if they bring such lawful Petitions to us, we will graciously receive them, and defend them and their Rights against what Power soever, with the uttermost Hazard of our Being.

We have been the longer (to our very great Pain) in this Answer, that we might give the World Satisfaction, even in the most trivial Particulars which have been objected against us; and that we may not again be reproached with any more prudent Omissions. If we have been compelled to sharper Language than we affect, let it be considered how vile, how insufferable our Provocations have been: And except to repel Force be to assault, and to give punctual and necessary Answer to rough and insolent Demands, be to make Invectives, we are confident the World will accuse us of too much Mildness, and all our good Subjects will think we are not well dealt with, and will judge of us, and of their own Happiness and Security in us, by our Actions;



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ons; which we desire may no longer prosper, or have a Blessing from God upon them and us, than they shall be directed to the Glory of God, in the maintenance of the true Protestant Profession, to the Preservation of the Property and the Liberty of the Subject, in the Observation of the Laws, and to the Maintenance of the Rights and Freedom of Parliament, in the Allowance and Protection of all their just Privileges.

*The Right Honourable John Earl of Bristol, his Speech in Parliament, Maii 20, 1642. for an Accommodation.*

*My Lords,*

I Have spoken so often upon the Subject of *Accommodation*, with so little Acceptance, and so ill Success, that it was in my Intention not to have made any further Essay in this kind: but my Zeal to the Peace and Happiness of this Kingdom, and my Apprehensions of the near approaching of our unspeakable Miseries and Calamities, suffer me not to be Master of my own Resolutions.

Certainly this Kingdom hath at all times many Advantages over the other Monarchies of *Europe*; as of Situation, of Plenty, of rich Commodities, of Power both by Sea and Land; but more particularly at this time, when all our neighbouring States are by their several Interests so involved in War, and with such Equality of Power, that there is not much likelihood of their mastering one another, nor of having their Differences easily compounded: And thereby we being only admitted to all Trades, and to all Places, Wealth and Plenty (which ever follow where Trade flourisheth) are in a manner cast upon us.

I shall not trouble your Lordships, by putting you in mind of the great and noble Undertakings of our Ancestors; nor shall I pass higher than the times within my own Remembrance.

Queen *Elizabeth* was a Princess disadvantaged by her Sex, by her Age, and chiefly by her want of Issue: Yet if we shall consider the great Effects which were wrought upon most of the States of Christendom by this Nation, under her prudent Government, (the Growth of the Monarchy of *Spain* chiefly by her impeached; the United Provinces by her protected; the *French* in their greatest Miseries relieved; most of the Princes of *Germany* kept in high Respect and Reverence towards her and this Kingdom, and the Peace and Tranquillity wherein this Kingdom flourished, and which hath been continued down unto us by the peaceable Government of King *James* of blessed Memory, and of his now Majesty, until these late unhappy Interruptions) we cannot but judge this Nation equally capable with any other, of Honour, Happiness and Plenty.

Now, if instead of this happy Condition, on which we have been, and might be, upon a sober and impartial Enquiry, we shall find our selves to have been for some few Years last past involved in so many Troubles and Distractions, and at the present to be reduced to the very Brink of Miseries and Calamities; it is high time for us to consider by what means we have been brought into them, and by what means it is most probable we may be brought out of them.

This Kingdom never enjoyed so universal a Peace, neither hath it any visible Enemy in the whole World, either Infidel or Christian. Our Enemies are only of our own House, such as our own Dissensions, Jealousies and Distractions have raised up: And certainly where they are found (especially betwixt a King and his People) no other Cause of the Unhappiness and Misery of a State need to be sought after; for civil Discord is a plentiful Source, from whence all Miseries and Mischiefs flow into a Kingdom.

The Scripture telleth us of the Strength of a little City united, and of the Instability of a Kingdom divided within it self. So that upon a prudent Enquiry we may assign our own Jealousies and Discords, for the chief Cause of our past and present Troubles, and of our future Fears. It must be confessed, that by the Counsel and Conduct of *Evil Ministers*, the Subject had cause to think their *Just Liberties* invaded; and from thence have our former Distempers grown: For it is in the Body Politick of a Monarchy, as in the natural Body, the Health whereof is defined to be, *Partium corporis aqua temperies*, an equal Temper of the Parts. So likewise, a State is well in Health, and well disposed, when Sovereign



vereign Power and common Right are equally ballanced and kept in an even Temper by just and equitable Rules.

And truly (my Lords) by the Goodness of his Majesty, and by the prudent Endeavour of the Parliament, this State is almost reduced to that equal and even Temper, and our Sickneſs is rather continued out of Fancy and Conceit (I mean Fears and Jealouſies) than out of any real Diſtemper or Defect.

I well remember, That before the beginning of this Parliament, ſome noble Lords preſented a Petition unto the King, and in that Petition did ſet down all or moſt of the Grievances and Diſtempers of the Kingdom which then occurred to them. To theſe (as I conceive) the Parliament have procured from his Ma- jeſty ſuch Redreſſes as are to their good Satisfaction.

Many other things, for the Eaſe, Security and Comfort of the Subject, have been, by their great Industry, found and propounded, and by his Maſteſty's Good- neſs condeſcended unto. And now we are come ſo near the Happineſs of being the moſt free and moſt ſettled Nation in the Chriſtian World, our Dangers and Miſeries will grow greater and nearer unto us every Day than other, if they be not prevented.

The King, on his part, offereth to concur with us in the ſettling of all the Liber- ties and Immunities, either for the Property of our Goods, or Liberty of our Perſons, which we have received from our Anceſtors, or which himſelf hath granted unto us: And what ſhall yet remain for the Good and Comfort of his Subjects, he is willing to hearken to all our juſt and reaſonable Propoſitions: And for the eſta bliſhing the true Proteſtant Religion, he woos us to it; and the Wiſdom and Industry of the Parliament hath now put it in a hopeful way.

The Rule of his Government, he profeſſeth, ſhall be the Laws of the King- dom; and for the comforting and ſecuring of us, he offereth a more large and more general Pardon than hath been granted by any of his Predeceſſors. And truly, my Lords, this is all that ever was, or can be pretended unto by us.

We, on the other ſide, make Profeſſion, That we intend to make his Maſteſty a Glorious King, to endeavour to ſupport his Dignity, and to pay unto him that Duty and Obedience, which by our Allegiance, ſeveral Oaths, and late Proteſ- tation we owe unto him, and to maintain all his juſt Regalities and Prerogatives, which I conceive to be as much as his Maſteſty will expect from us.

So that, my Lords, we (being both thus reciprocally agreed, of that which in the general would make both the King and the People happy) ſhall be moſt unfortunate, if we ſhall not bring both Inclinations and Endeavours, ſo to pro- pound and ſettle Differences, as both King and People may know what will give them mutual Satisfaction, which certainly muſt be the firſt Step to the ſet- ling a right Underſtanding betwixt them; and in this I ſhould not conceive any great Difficulty, if it were once put into a way of Preparation: But the greateſt Difficulty may ſeem to be, how that which may be ſettled and agreed upon may be ſecured. This is commonly the laſt Point in Treaties betwixt Prin- ces, and of the greateſt Niceneſs: but much more betwixt a King and his Sub- jects, where that Confidence and Belief which ſhould be betwixt them, is once loſt. And to ſpeak clearly, I fear that this may be our Caſe; and herein may conſiſt the chiefeſt Difficulty of Accommodation: for it is much eaſier to com- poſe Differences ariſing from Reaſon, yea even from *Wrongs*, than it is to ſatisfy *Jealouſies*, which ariſing out of Diffidence and Diſtruſt, grow, and are varied up- on every Occaſion.

But, my Lords, if there be no Endeavours to allay and remove them, they will every Day encrease and gather Strength; nay, they are already grown to that height, and the mutual Replies are in thoſe direct Terms of Oppoſition, that if we make not a preſent Stop, it is to be feared it will ſpeedily paſs further than verbal Conteſtations.

I obſerve in ſome of his Maſteſty's Answers a *Civil War* ſpoken of; I confeſs it is a *Word of Horror* to me who have been an Eye-witneſs of thoſe unexpreſſible Calamities, that in a ſhort time the moſt plentiful and flouriſhing Countries of *Europe* have been brought into by an inteſtine War.

I further obſerve, That his Maſteſty proteſteth againſt the Miſeries that may enſue by a War, and that he is clear of them. It is true, that a Proteſtation of that kind is no actual denouncing of War, but it is the very next degree to it, *ultima Admonitio*, as the Civilians term it, the laſt Admonition: ſo that we are upon



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upon the very Brink of our Miseries; it is better keeping out of them, than getting out of them: And in a State, the Wisdom of *Prevention* is infinitely beyond the Wisdom of *Remedies*. If, for the Sins of this Nation, these Misunderstandings should produce the least Act of Hostility, it is not almost to be believed how impossible it were to put any Stay to our Miseries: For a Civil War admits of none of those Conditions, or Quarter, by which Cruelty and Blood are, amongst other Enemies, kept from Extremities: Nay, if it should but so happen, (which God of his Goodness avert) that mutually Forces and Armies should be raised, Jealousies and Fears would be so much increased thereby, that any Accommodation would be rendred full of Difficulty and Length; and by the very Charge of maintaining them, (whilst after a Cessation of Arms, and then a general Accommodation were in treating) the Wealth of the Kingdom would be consumed.

And of this we had lately a costly Example: For in those unhappy Troubles betwixt us and *Scotland*, after there was a Stop made to any further Acts of Hostility, and a Desire of Peace expressed on both Sides, Commissioners nominated, and all the Articles propounded, yet the keeping of the Armies together for our several Securities (whilst the Cessation at *Rippon*, and the Peace at *London* were in treating) cost this Kingdom not much less than a *Million* of Pounds. And if two Armies be once on foot here in *England*, either a sudden Encounter must destroy one of them, or the keeping of them both on foot, must destroy the Kingdom.

I hope therefore we shall make it our Endeavour, by Moderation and Calmness, yet to put a Stay to our so near approaching Miseries; and that we shall hearken to the wise Advice of our Brethren of *Scotland*, in their late Answer to the King and Parliament, wherein they earnestly intreat us, 'That all Means may be forborn which may make the Breach wider, and the Wound deeper; and that no place be given to the evil Spirit of Division, which at such times worketh incessantly, and resteth not; but that the fairest, the most christian and compendious way may be taken by so wise a King and Parliament, as may (against all Malice and Opposition) make his Majesty and his Posterity more glorious, and his Kingdom more happy than ever.' And in another Place they say, 'That since the Parliament have thought meet to draw the Practice of the Parliament of *Scotland* into Example, in point of Declaration; they are confident that the Affection of the Parliament will lead them also to the Practice of that Kingdom, in composing the unhappy Differences betwixt his Majesty and them; and (so far as may consist with their Religion, Liberties and Laws) in giving his Majesty all Satisfaction, especially in their tender Care of his Royal Person, and of his Princely Greatness and Authority.'

Certainly, my Lords, this is wise and brotherly Advice; and I doubt not but we are all desirous to follow it. We must not then still dwell upon Generals, (for Generals produce nothing) but we must put this Business into a certain way, whereby Particulars may be descended unto. And the way I shall offer with all Humility, is, That there may be a select Committee of choice Persons of both Houses, who may, in the first place, truly state and set down all things in Difference betwixt the King and the Subject, with the most probable Ways of reconciling them. Secondly, To descend into Particulars, which may be expected by each from other, either in point of our supporting of him, or his relieving of us. And, lastly, how all these Conditions, being agreed upon, may be so secured, as may stand with the Honour of his Majesty, and the Satisfaction of the Subject.

When such a Committee shall have drawn up the Heads of the Propositions, and the Way of securing them, they may be presented unto the *Houses*, and so offered unto his Majesty, by such a way as the Parliament shall judge most probable to produce an Accommodation.

My Lords, what I have yet said unto you, hath been chiefly grounded upon the Apprehensions and Fears of our future Dangers. I shall say something of the Unhappiness of our present Estate, which certainly standeth in as much need of Relief and Remedy, as our Fears do of Prevention: For although the King and People were fully united, and that all Men that now draw several Ways, should unanimously set their Hand to the Work, yet they would find it no easy Task to restore this Kingdom to a prosperous and comfortable Condition: If we

take



take into our Consideration the deplorable State of *Ireland*, likely to drain this Kingdom of Men and Treasure: If we consider the Debts and Necessity of the Crown, the Engagements of the Kingdom, the great and unusual Contributions of the People; the which, although they may not be so much to their Discontent, (for that they have been legally raised) yet the Burden hath not been much eased. Let us likewise consider the Distractions (I may almost call them Confusions) in point of Religion (which of all other Distempers are most dangerous and destructive to the Peace of the State.)

Besides these publick Calamities, let every particular Man consider the distracted and uncomfortable Estate of his own Condition. For mine own part, I must ingenuously confess unto your Lordships, That I cannot find out, under the different Command of the King and Parliament, any such Course of Caution and Wariness, by which I can promise to my self Security or Safety. I could give your Lordships many Instances of the Inconsistency and Impossibility of obeying these Commands; but I shall trouble you only with one or two.

The Ordinance of Parliament (now in so great Agitation) commands all Persons in Authority to put it in Execution, and all others to obey it, according to the Fundamental Laws of the Land. The King declareth it to be contrary to the Fundamental Laws, against the Liberty of the Subject, and Rights of Parliament; and commandeth all his Subjects, of what degree soever, upon their *Allegiance*, not to obey the said Ordinance, as they will answer the contrary at their Perils.

So likewise in point of the King's commanding the Attendance of divers of us upon his Person, whereunto we are obliged by several Relations of our Services and Oaths; in case we comply not with his Commands, we are liable to his Displeasure, and the Loss of those Places of Honour and Trust which we hold under him. If we obey his Commands, without the leave of the Parliament, (which hath not been always granted) we are liable to the Censure of Parliament; and of both these we want not fresh Examples: So that certainly this cannot but be acknowledged to be an unhappy and uncomfortable Condition. I am sure I bring with me a ready and obedient Heart, to pay unto the King all those Duties of Loyalty, Allegiance and Obedience which I owe unto him; I shall never be wanting towards the Parliament, to pay unto it all those due Rights, and that Obedience which we all owe unto it: But in contrary Commands, a Conformity of Obedience to both, is hardly to be lighted on. The Reconciliation must be in the Commanders and the Commands, and not in the Obedience, or the Person that is to obey. And therefore until it shall please God to bless us with a right Understanding between the King and Parliament, and a Conformity in their Commands, neither the Kingdom in publick, nor particular Men in private, can be reduced to a safe or comfortable Condition.

I have said thus much to give Occasion to others to offer likewise their Opinions; for if we should sit still, and nothing tending to the Stay of the unhappy Misunderstanding betwixt the King and his People be propounded, it is to be feared, that our Miseries will hasten so fast upon us, that the Season and Opportunity of applying Remedies may be past.

I have herein discharged my Conscience, suitable to that Duty which I owe to the King my Sovereign and Master, and suitable to that Zeal and Affection which I shall ever pay to the Happiness and Prosperity of the Kingdom; towards which I shall ever faithfully contribute my humble Prayers and honest Endeavours. And I shall no way doubt, whatsoever Success this my Proposition may have, it will be accompanied with the good Wishes of your Lordships, and of all peaceable and well-minded Men.

Die Veneris, 20 Maii 1642.

*Resolved upon the Question,*

I. **T**hat it appears, *That the King, seduced by wicked Counsel, intends to make War against the Parliament*, who in all their Consultations and Actions, have proposed no other End unto themselves, but the Care of his Kingdoms, and the Performance of all Duty and Loyalty to his Person.

VOL. IV.

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*Resolved,*

The Commons vote, That the King intends to make War against the Parliament.



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*Resolved, &c.* 2. That whensoever the King maketh War upon the Parliament, it is a *Breach of the Trust* reposed in him by his People, contrary to his Oath, and tending to the Dissolution of this Government.

*Resolved, &c.* 3. That whosoever shall serve or assist him in such Wars, are *Traitors* by the Fundamental Laws of this Kingdom; and have been so adjudged by two Acts of Parliament, and ought to suffer as Traitors, 11 *Rich.* 2. 1 *Hen.* 4.

John Browne, Cler. Parliament.

By the KING,

*A Proclamation of Peace with Portugal, May 22. 1642.*

Whereas the High and Mighty Prince, John the Fourth King of Portugal, hath lately sent his Embassadors to the King's most Excellent Majesty, declaring his Desire to renew the antient Confederation and Amity between their Royal Predecessors Crowns and Subjects; his Majesty out of his Royal Care of the Peace and Tranquillity of his Kingdoms, and the Freedom of Trade and Commerce of his loving Subjects, by the Advice of his Privy-Council, hath been pleased to yield thereunto; and doth make known to his loving People, that the said Peace and Confederation is concluded and established between the said Kings, their Crowns, Kingdoms, Territories and Subjects. And the King's most Excellent Majesty, for the Direction of his Merchants in their Trade and Commerce, hath given Command, that the Articles of this Treaty of Peace shall be published, straitly charging and commanding all his Subjects of whatsoever Degree and Estate to observe the same.

Given at the Court at York the two and twentieth Day of May, in the eighth Year of his Majesty's Reign, 1642.

God save the KING.

The Great Seal carried away to York, May 22. by Mr. Elliot.

[At this time the Great Seal of England was carried away from London to York. Edward Lord Littleton, on whom the King, after the Lord Finch's retiring out of England, had bestowed the keeping thereof (he being before Lord Chief Justice of the Common-Pleas, and created a Baron of the Realm) had hitherto continued with the Parliament: And as generally he concurred with them, so particularly he gave his Vote for settling the Militia by Ordinance of Parliament. But now Mr. Tho. Elliot, a young Gentleman, Groom of the Privy-Chamber to the King, being privately sent to him from York, and admitted by the Lord-Keeper to a secret Conference, he used such Arguments as prevailed with him to deliver up the Great Seal; with which the said Mr. Elliot rode away Post to the King at York.

Mr. Elliot did suspect the Author.

In his Passage towards York, the Author of these Collections met Mr. Elliot at Witham, a Post-Stage between Grantham and Stamford, who with a Fall off his Horse had hurt his Shoulder; and seeing the Author, his old Acquaintance, demanded what News? (thinking he had been sent after him by the Parliament to recover the Great Seal) To which he replied to Mr. Elliot, (not imagining he had then with him the Great Seal) That he came from York, and that the King was well, and that he was going with Letters from the Committee of Parliament at York, to both Houses, wherein some Answers from the King were inclosed to the Parliament. To which Mr. Elliot replied, It was fit the Author should make haste; and therefore, said he, take my Horses which are ready saddled, (fearing lest the Author should raise the Country against him); so we parted at that time, not suspecting one another.

The Lord Keeper considering what he had done, and apprehending his Danger from the Parliament for parting thus with the Seal, did early the next Morning ride away after it himself, and went to the King.

This was look'd upon at Court as a very considerable Service in Mr. Elliot, as appears by the following Letter from the said Mr. Elliot to the Lord Digby, soon after intercepted.]

Mr.



*Mr. Elliot's Letter to the Lord Digby, May 27. 1642. intercepted.*

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*My Lord,*

**Y**OU have ever been so willing to oblige, that I cannot despair of your Favour in a Business wherein I am much concerned: The King was pleased to employ me to London to my Lord Keeper for the Seals; which, tho' after two Hours Consideration he refused, yet being resolved not to be denied, my Importunity at last prevailed: which Service the King hath declared was so great, that he hath promised a Reward equal to it. It may be the King expects I should move him for some Place, which I shall not do, being resolved never to have any but by the Queen, being already so infinitely obliged to her for her Favours, that I confess I would owe my Being only to her; nor shall I ever value that Life I hold but as a Debt which I shall ever pay to her Commands. The Favour which I desire from your Lordship is, That you will engage the Queen to write to the King, that he would make me a Groom of his Bed-Chamber; which since I know 'tis so absolutely in her Power to do, I shall never think of another way: For which Favour neither her Majesty, nor your Lordship, shall ever find a more real Servant. For our Affairs, they are now in so good a Condition, that if we are not undone by hearkening to an Accommodation, there is nothing else can hurt us, which I fear the King is too much inclined to; but I hope what he shall receive from the Queen, will make him so resolved, that nothing but a Satisfaction equal to the Injuries he hath received, will make him quit the Advantage he now hath: Which I do not doubt will be the Means of bringing your Lordship quickly hither, where you shall find none more ready to obey your Commands,

Than your most faithful and humble Servant,

*Tork, May 27.*

*Tho. Elliot.*

**To the King's most Excellent Majesty,**

*The Humble Petition of the Lords and Commons assembled in Parliament, May 23. 1642.*

**Y**OUR Majesty's Loyal Subjects, the Lords and Commons in this Parliament, do humbly represent to your Majesty, That notwithstanding your frequent Professions to your Parliament and the Kingdom, and the late Expression in your Answer of the 13th of May, to the Petition of the County of York, That your Desire and Intention is only the preserving the true Protestant Profession, the Laws of the Land, the Liberty of your People, and the Peace of the Kingdom; nevertheless, with great Grief, we perceive by your Speech of the 12th of May, and the Paper printed in your Majesty's Name, in the Form of a Proclamation, bearing Date the 14th of May, and other Evidences, that under colour of raising a Guard to secure your Person, of which Guard (considering the Fidelity and Care of your Parliament) there can be no Use; your Majesty doth command Troops, both of Horse and Foot, to assemble at York; the very beginnings whereof were apprehended by the Inhabitants of that County to be an Affrightment and Disturbance of your Majesty's Liege People, as appears by their Petition presented to your Majesty, the continuing and increase of which Forces is to your Parliament, and must needs be, a just Cause of great Jealousy, and of Danger to your whole Kingdom.

The Parliament's Petition to the King to disband his Guard.

Therefore we do humbly beseech your Majesty to disband all such Forces, as by your Command are assembled; and relying for your Security (as your Predecessors have done) upon the Laws and the Affections of your People, you will be pleased to desist from any farther Designs of this nature, contenting your self with your usual and ordinary Guards: otherwise we shall hold our selves bound in Duty towards God, and the Trust reposed in us by the People, and the Fundamental Laws and Constitutions of this Kingdom, to employ our Care and utmost Power to secure the Parliament, and preserve the Peace and Quiet of the Kingdom.



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The King's  
Answer.*His Majesty's Answer.*

WE cannot but extremely wonder, that the causeless Jealousies concerning us, raised and fomented by a malignant Party in this Kingdom, which desires nothing more than to snatch to themselves particular Advantages out of a general Combustion (which Means of Advantage shall never be admitted to them by our fault or seeking) should not only be able to seduce a weak Party in this our Kingdom, but seem to find so much Countenance even from both Houses, as that our *raising of a Guard* (without farther design than the Safety of our Person) an Action so legal, in a Manner so peaceable, upon Causes so evident and necessary, should not only be look'd upon and petition'd against by them as a Cause of Jealousy, but declared to be the raising of a War against them, contrary to our former Professions of our Care of Religion and Law: and we no less wonder that this Action of ours shall be said (in a very large Expression) to be apprehended by the Inhabitants of this County, as an Affrightment and Disturbance to our People, having been as well received here, as it is every-where to be justify'd; and (we speak now of the General, not of a few seduced Particulars) assisted by this Country with that loyal Affection and Alacrity, as is a most excellent Example set to the rest of the Kingdom, of the Care of our Safety upon all Occasions, and shall never be forgotten by us, nor (we hope) by our Posterity, but shall ever be paid to them in that which is the proper Expression of a Prince's Gratitude, a perpetual and vigilant Care to govern them justly, and to preserve the only Rule by which they can be so governed, the Law of the Land: and we are confident, that if you were your selves Eye-witnesses, you would so see the contrary, as to give little present Thanks, and hereafter little Credit to your Informers: and if you have no better Intelligence of the Inclinations and Affections of the rest of the Kingdom, certainly the Minds of our People (which to some Ends and Purposes you represent) are but ill represented unto you.

Have you so many Months together not contented your selves to rely for Security (as your Predecessors have done) upon the Affection of the People, but by your own single Authority raise to your selves a Guard (and that sometimes of no ordinary Numbers, and in no ordinary way) and could not all those Pikes and Protestations, that Army on one side, and that Navy on the other, perswade us to command you to disband your Forces, and to content your selves with your ordinary (that is no) Guard; or work us into an Opinion, that you appeared to levy War against us, or had any farther Design? And is it possible, that the same Persons should be so apt to suspect and condemn us, who have been so unapt in the same matter (upon much more ground) to tax or suspect them? This is our Case, notwithstanding the Care and Fidelity of our Parliament, our Fort is kept by armed Men against us, our proper Goods first detained from us; and then, contrary to our Command, by strong hand, offered to be carried away (in which at once all our Property as a private Person, all our Authority as a King, are wrested from us; and yet for us to secure our self in a legal Way, that Sir John Horham may not by the same Forces, or by more raised by pretence of the same Authority (for they say he raises daily some, and we know it is no new thing for him to pretend Orders that he cannot shew) continue the War that he hath levied against us, and as well imprison our Person, as detain our Goods, and as well shut us up in *Tork*, as shut us out of *Hull*; is said to be esteemed a Cause of great Jealousy to the Parliament, a raising of War against them, and of Danger to the whole Kingdom. While these Injustices and Indignities offered to us are countenanced by them, who ought to be most forward in our Vindication, and their Punishment in Observation of their Oaths, and of their Trust reposed in them by the People, and to avoid the Dissolution of the present Government. Upon which case the whole World is to judge, whether we had not reason, not wholly to rely upon the Care and Fidelity of our Parliament, being so strangely blinded by malignant Spirits, as not to perceive our Injuries, but to take some Care of our own Person; and in order to that, to make use of that Authority which the Law declares to be in us:

And



And whether this Petition, with such a threatening Conclusion, accompanied with more threatening Votes, give us not cause rather to increase than diminish our Guards; especially since we saw before the Petition a printed Paper dated the 17th of *May*, underwritten *Hen. Elsing Cler. Dom. Com.* commanding (in the Name of both Lords and Commons) the Sheriffs of all our Counties, to raise the Power of all those our Counties, to suppress such of our Subjects as by any of our Commands shall be drawn together, and put (as that Paper calls it) in a Posture of War, charging our Officers and Subjects to assist them in the Performance thereof at their Perils. For though we cannot suspect that this Paper (or any bare Votes, not grounded upon Law or Reason, or Quotations of repealed Statutes) should have any ill Influence upon our good People, who know their Duties too well, not to know, that to take up Arms against those who, upon a legal Command, that is, ours, come together to a most legal End, (that is, our Security and Preservation) were to levy War against us; and who appear in this County (and we are confident they are so throughout the Kingdom) no less satisfied with the Legality, Conveniency and Necessity of these our Guards, and no less sensible of the Indignities and Dangers (which make them necessary) than we are our self; yet if that Paper be really the Act of both Houses, we cannot but look upon it as the highest of Scorns and Indignities. First, to issue Commands of Force against us, and after those have appeared useless, to offer by Petition to perswade us to that, which that Force should have effected.

We conclude this Answer to your Petition with our Counsel to you, That you joyn with us in exacting Satisfaction for that unparallel'd, and yet unpunished Action of Sir *John Hotham's*; and that you command our Fort and Goods to be returned to our own Hands; That you lay down all Pretences (under pretence of Necessity, or declaring what is Law) to make Laws without us, and by consequence, but a Cypher of us; That you declare effectually against Tumults, and call in such Pamphlets (punishing the Authors and Publishers of them) as seditiously endeavour to disable us from protecting our People, by weakning, by false Aspersions, and new false Doctrines, our Authority with them, and their Confidence in us. The Particulars of which Tumults and Pamphlets we would long since have taken care, that our Learned Counsel should have been enabled to give in Evidence, if upon our former offer, we had received any Return of Encouragement from you in it. And if you do this, you then (and hardly till then) will perswade the World that you have discharged your Duty to God, the Trust reposed in you by the People, and the Fundamental Laws and Constitutions of the Kingdom, and employed your Care and utmost Power to secure the Parliament (for we are still a Part of the Parliament, and shall be till this well-founded Monarchy be turned to a Democracy) and to preserve the Peace and Quiet of the Kingdom; which, together with the Defence of the Protestant Profession, the Laws of the Land, and our own just Prerogative (as a Part of, and a Defence to those Laws) have been the main End, which in our Consultations and Actions we proposed to our self.

*Die Sabbati, 28 Maii, 1642.*

Whereas it appeareth, That the King, seduced by wicked Counsel, intends to make War against the Parliament, and under the colour of a Guard to secure his Royal Person, doth command Troops both of Horse and Foot, to assemble at *York*; all which is against the Laws of the Kingdom, tending to the Dissolution of the Parliament, and Destruction of the People: It is therefore ordered by the Lords and Commons in Parliament, That the Sheriff of the County of *Lancaster*, and all other Sheriffs of the Kingdom of *England*, and Dominion of *Wales*, shall, by the Power of that County, and of their severall Counties respectively, suppress the raising and coming together of any Soldiers, Horse or Foot, by any Warrant, Commission or Order from his Majesty, without the Advice and Consent of the Lords and Commons in Parliament; and that all Persons whatsoever do forbear to execute any such Commission or Warrant for levying Soldiers,

An Order of both Houses against the King's Guards.

or



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for gathering them together, without Consent of Parliament. And those who shall execute or obey any such Commission or Warrant, are hereby declared to be Disturbers of the Kingdom. And the Lord-Lieutenant of the County of *Lancaster*, and all Lord-Lieutenants of all other Counties in the Kingdom of *England*, or Dominion of *Wales* respectively; as likewise all Deputy-Lieutenants, Captains and Officers of the Trained-Bands, and all Mayors, Justices of the Peace, and other his Majesty's loving Subjects are hereby commanded and required to be aiding and assisting to the said Sheriff of the County of *Lancaster*, and to the other Sheriffs of the other Counties of this Kingdom, and of the Dominion of *Wales*. And that his Majesty's loving Subjects may the better understand what the Law and their own Duty is in this behalf, the said Sheriff of *Lancaster*, and other Sheriffs of the other Counties of this Kingdom respective, shall cause this present Order forthwith to be published in the several Market-Towns within their said Counties.

*An Order to all High-Sheriffs, Justices of the Peace, and other Officers within 150 Miles of the City of York.*

An Order to  
make stay of  
Arms going to  
*York*, May 27.  
1642.

Whereas it appears to the Lords and Commons, that the King, seduced by wicked Counsel, intends to make War upon this Parliament; it is therefore ordered by the Lords and Commons, that the High-Sheriffs and Justices of the Peace, and other Officers within the same Counties, Cities and Towns-Corporate, situate within 150 Miles of the City of *York*, shall forthwith take special care for to make stay of all Arms and Ammunition carrying towards *York*, until they have given notice thereof unto the Lords and Commons, and shall have received their farther Direction. And for the better effecting hereof, the said High-Sheriff, Justices of the Peace and other Officers, are further to take special care, that strict Watches be kept within their several Limits and Jurisdictions, for the searching for, and seizing all such Arms and Ammunition, as likewise for the apprehending all Persons going with the same.

*The humble Petition and Advice of both Houses of Parliament, with Nineteen Propositions sent unto his Majesty the 2d of June 1642.*

Your Majesty's most humble and faithful Subjects, the Lords and Commons in Parliament, having nothing in their Thoughts and Desires more precious, and of higher Esteem, (next to the Honour and immediate Service of God) than the just and faithful Performance of their Duty to your Majesty and this Kingdom; and being very sensible of the great Distractions and Distempers, and of the imminent Dangers and Calamities which those Distractions and Distempers are like to bring upon your Majesty and your Subjects; all which have proceeded from the subtle Informations, mischievous Practices and evil Counsels of Men disaffected to God's true Religion, your Majesty's Honour and Safety, and the publick Peace and Prosperity of your People; after a serious Observation of the Cause of those Mischiefs, do in all Humility and Sincerity, present to your Majesty their most dutiful Petition and Advice, That out of your Princely Wisdom, for the establishing your own Honour and Safety, and gracious Tenderness of the Welfare and Security of your Subjects and Dominions, you will be pleased to grant and accept these their humble Desires and Propositions, as the most necessary effectual Means, through God's Blessing, of removing those Jealousies and Differences which have unhappily fallen beewixt you and your People, and procuring both your Majesty and them a constant Course of Honour, Peace and Happiness.

*The Nineteen Propositions.*

That the Lords, and others of your Majesty's Privy-Council, and such great Officers and Ministers of State, either at home or beyond the Seas, may be put from your Privy-Council, and from those Offices and Employments, excepting



cepting such as shall be approved of by both Houses of Parliament; and that the Persons put into the Places and Employments of those that are removed, may be approved of by both Houses of Parliament; and that the Privy-Counsellors shall take an Oath for the due Execution of their Places, in such Form as shall be agreed upon by both Houses of Parliament.

2. That the great Affairs of the Kingdom may not be concluded or transacted by the Advice of private Men, or by any unknown or unsworn Counsellors, but that such Matters as concern the Publick, and are proper for the High Court of Parliament, which is your Majesty's great and supreme Council, may be debated, resolved and transacted only in Parliament, and not elsewhere; and such as shall presume to do any thing to the contrary, shall be reserved to the Censure and Judgment of Parliament: And such other Matters of State as are proper for your Majesty's Privy-Council, shall be debated and concluded by such of the Nobility and others, as shall from time to time be chosen for that Place, by Approbation of both Houses of Parliament: And that no publick Act concerning the Affairs of the Kingdom, which are proper for your Privy-Council, may be esteemed of any Validity, as proceeding from the Royal Authority, unless it be done by the Advice and Consent of the major Part of your Council, attested under their Hands; And that your Council may be limited to a certain Number, not exceeding Five and twenty, nor under Fifteen. And if any Counsellor's Place happen to be void in the Interval of Parliament, it shall not be supplied without the Assent of the major Part of the Council; which Choice shall be confirmed at the next sitting of Parliament, or else to be void.

3. That the Lord High Steward of *England*, Lord High Constable, Lord Chancellor, or Lord Keeper of the Great Seal, Lord Treasurer, Lord Privy-Seal, Earl Marshal, Lord Admiral, Warden of the Cinque-Ports, Chief Governor of *Ireland*, Chancellor of the Exchequer, Master of the Wards, Secretaries of State, two Chief Justices and Chief Baron, may always be chosen with the Approbation of both Houses of Parliament; and in the Intervals of Parliament, by Assent of the major Part of the Council, in such manner as is before express'd in the Choice of Counsellors.

4. That he or they unto whom the Government and Education of the King's Children shall be committed, shall be approved of by both Houses of Parliament; and in the Intervals of Parliament, by the Assent of the major Part of the Council, in such manner as is before express'd in the Choice of Counsellors; and that all such Servants as are now about them, against whom both Houses shall have any just Exceptions, shall be removed.

5. That no Marriage shall be concluded, or treated for any of the King's Children, with any Foreign Prince, or other Person whatsoever, abroad or at home, without the Consent of Parliament, under the Penalty of a *Premunire*, upon such as shall conclude, or treat of any Marriage as aforesaid; and that the said Penalty shall not be pardoned or dispensed with, but by the Consent of both Houses of Parliament.

6. That the Laws in force against Jesuits, Priests and Popish Recusants, be strictly put in Execution, without any Toleration or Dispensation to the contrary; and that some more effectual Course may be enacted, by Authority of Parliament, to disable them from making any Disturbance in the State, or eluding the Law by Trusts, or otherwise.

7. That the Votes of Popish Lords in the House of Peers may be taken away, so long as they continue Papists; and that your Majesty will consent to such a Bill as shall be drawn for the Education of the Children of Papists by Protestants in the Protestant Religion.

8. That your Majesty will be pleased to consent, that such a Reformation be made of the Church-Government and Liturgy, as both Houses of Parliament shall advise; wherein they intend to have Consultations with Divines, as is expressed in their Declaration to that purpose; and that your Majesty will contribute your best Assistance to them, for the raising of a sufficient Maintenance for Preaching-Ministers thorow the Kingdom; and that your Majesty will be pleased to give your Consent to Laws for the taking away of Innovations and Superstition, and Pluralities, and against scandalous Ministers.

9. That your Majesty will be pleased to rest satisfied with that Course that the Lords and Commons have appointed for ordering of the Militia, until the same shall



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shall be farther settled by a Bill; and that your Majesty will recal your Declarations and Proclamations against the Ordinance made by the Lords and Commons concerning it.

10. That such Members of either House of Parliament, as have, during the present Parliament, been put out of any Place and Office, may either be restored to that Place and Office, or otherwise have Satisfaction for the same, upon the Petition of that House whereof he or they are Members.

11. That all Privy-Counsellors and Judges may take an Oath, the Form whereof to be agreed on, and settled by Act of Parliament, for the maintaining of the Petition of Right, and of certain Statutes made by the Parliament, which shall be mentioned by both Houses of Parliament; and that an enquiry of all the Breaches and Violations of those Laws may be given in Charge by the Justices of the King's-Bench every Term, and by the Judges of Assize in their Circuits, and Justices of the Peace at the Sessions, to be presented and punished according to Law.

12. That all the Judges, and all the Officers placed by Approbation of both Houses of Parliament, may hold their Places *quamdiu bene se gesserint*.

13. That the Justice of Parliament may pass upon all Delinquents, whether they be within the Kingdom, or fled out of it; and that all Persons cited by either House of Parliament, may appear and abide the Censure of Parliament.

14. That the General Pardon offered by your Majesty may be granted, with such Exceptions as shall be advised by both Houses of Parliament.

15. That the Forts and Castles of this Kingdom may be put under the Command and Custody of such Persons as your Majesty shall appoint, with the Approbation of your Parliament; and in the Intervals of Parliament, with Approbation of the major part of the Council, in such manner as is before express'd in the Choice of Counsellors.

16. That the extraordinary Guards, and Military Forces now attending your Majesty, may be removed and discharged; and that for the future you will raise no such Guards or extraordinary Forces, but according to the Law, in case of actual Rebellion or Invasion.

17. That your Majesty will be pleased to enter into a more strict Alliance with the States of the *United Provinces*, and other Neighbour-Princes and States of the Protestant Religion, for the Defence and Maintenance thereof, against all Designs and Attempts of the Pope and his Adherents to subvert and suppress it; whereby your Majesty will obtain a great Access of Strength and Reputation, and your Subjects be much encouraged and enabled, in a Parliamentary Way, for your Aid and Assistance, in restoring your Royal Sister and her Princely Issue to those Dignities and Dominions which belong unto them, and relieving the other Protestant Princes who have suffered in the same Cause.

18. That your Majesty will be pleased, by Act of Parliament, to clear the Lord *Kimbolton*, and the five Members of the House of Commons, in such manner, that future Parliaments may be secured from the Consequence of that evil Precedent.

19. That your Majesty will be graciously pleased to pass a Bill for restraining Peers made hereafter, from sitting or voting in Parliament, unless they be admitted thereunto with the Consent of both Houses of Parliament.

And these our humble Desires being granted by your Majesty, we shall forthwith apply our selves to regulate your present Revenue, in such sort as may be for your best Advantage; and likewise to settle such an ordinary and constant Increase of it, as shall be sufficient to support your Royal Dignity in Honour and Plenty, beyond the Proportion of any former Grants of the Subjects of this Kingdom to your Majesty's Royal Predecessors. We shall likewise put the Town of *Hull* into such Hands as your Majesty shall appoint, with the Consent and Approbation of Parliament, and deliver up a just Accompt of all the Magazine; and chearfully employ the uttermost of our Power and Endeavours in the real Expression and Performance of our most dutiful and loyal Affections, to the preserving and maintaining the Royal Honour, Greatness and Safety of your Majesty and your Posterity.

H. Elsing, Cler. Parl. Dom. Com.

Hi.



*His Majesty's Answer to the Nineteen Propositions of both Houses of Parliament, tending towards a Peace.*

‘ **B**Efore we shall give you our Answer to your Petition and Propositions, we shall tell you, That we are now clearly satisfied, why the Method which we traced out to you by our Message of the 20th of January, and have since so often pressed upon you, as the proper Way to compose the Distractions of this Kingdom, and render it truly happy, hath been hitherto declined, and is at length not thought fit to be looked upon. We now see plainly (and desire that you, and all other our good Subjects should do so too) that the Cabalists of this Business have with great Prudence reserved themselves, until due Preparations should be made for their Design.

‘ If they had unseasonably vented such Propositions, as the Wisdom and Modesty of your Predecessors never thought fit to offer to any of our Progenitors; nor we in Honour, or regard to our Regal Authority, (which God hath intrusted us with for the Good of our People) could receive without just Indignation (and such many of your present Propositions are) their Hopes would soon have been blasted, and those Persons to whom Offices, Honours, Power and Commands were designed, by such ill-timing of their Business, would have failed of their Expectation, not without a Brand upon the Attempt. Therefore, before any thing of this Nature should appear, they have (certainly with great Wisdom in the Conduct of it) thought fit to remove a troublesome Rub in their way, the Law; to this End (that they might undermine the very Foundations of it) a new Power hath been assumed to interpret and declare Laws without us by Extemporary Votes, without any Case Judicially before either House, (which is in effect the same thing as to make Laws without us) Orders and Ordinances made only by both Houses, (tending to a pure Arbitrary Power) were pressed upon the People as Laws, and their Obedience required to them.

‘ Their next step was, To erect an upstart Authority without us, (in whom, and only in whom the Laws of this Realm have placed that Power) to command the Militia, (very considerable to this their Design). In farther Order to it, they have wrested from us our Magazine and Town of *Hull*, and abetted Sir *John Hotham* in his bold-faced Treason. They have prepared and directed to the People unprecedented Invectives against our Government, thereby (as much as lay in their Power) to weaken our just Authority and due Esteem among them; they have as injuriously as presumptuously (tho we conceive by this time, Impudence it self is ashamed of it) attempted to cast upon us Aspersions of an unheard of Nature, as if we had favoured a Rebellion in our own Bowels. They have likewise broached new Doctrine, That we are obliged to pass all Laws that shall be offer’d to us by both Houses, (howsoever our own Judgment and Conscience shall be unsatisfied with them) a Point of Policy as proper for their present Business, as destructive to all our Rights of Parliament, and so with strange shamelessness will forget a Clause in Law still in Force, made in the 2d Year of K. H. 5. wherein both Houses of Parliament do acknowledg, That it is of the King’s Regality to grant or deny such of their Petitions as pleaseth himself. They have interpreted our necessary Guard, legally assembled, for the Defence of us and our Childrens Persons, against a Traitor in open Rebellion against us, to be with intent to levy War against our Parliament, (the thought whereof our very Soul abhorreth) thereby to render us odious to our People.

‘ They have so awed our good Subjects with Pursevents, long chargeable Attendance, heavy Censures and illegal Imprisonments, that few of them durst offer to present their Tenderness of our Sufferings, their own just Grievances, and their sense of those Violations of the Law, (the Birth-right of every Subject in this Kingdom) tho in an humble Petition directed to both Houses; and if any did, it was stifled in the Birth, called *Sedition*, and burnt by the Common Hangman.

‘ They



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‘ They have restrained the Attendance of our ordinary and necessary Household Servants, and seized upon those small Sums of Money, which our Credit had provided to buy us Bread, with Injunctions that none should be suffered to be conveyed, or returned to us to *York*, or any of our Peers or Servants with us ; so that (in effect) they have blocked us up in that County.

‘ They have filled the Ears of the People with the Noise of Fears and Jealousies (tho taken up upon Trust) Tales of Skippers, salt Fleets, and such like, by which Alarms they might prepare them to receive such Impressions as might best advance this Design when it should be ripe. And now it seems they think we are sufficiently prepared for these bitter Pills. We are in a handsome Posture to receive these humble Desires (which probably are intended to make way for a Superfetation of a (yet) higher nature (if we had not made this Discovery to you) for they do not tell us this is all. In them we must observe, that these Contrivers (the better to advance their true Ends) disguised as much as they could their Intents, with a mixture of some things really to be approved by every honest Man, others, specious and popular : and some which are already granted by us, all which are cunningly twisted and mixed with those other things of their main design of Ambition and private Interest ; in hope, that at the first view, every Eye may not so clearly discern them in their proper colours.

‘ We would not be understood, that we intend to fix this Design upon both or either House of Parliament : we utterly profess against it, being most confident of the Loyalty, good Affections and Integrity of the Intentions of that great Body ; and knowing well, that very many of both Houses were absent, and many dissented from all those Particulars we complain of : But we do believe, and accordingly profess to all the World, that the Malignity of this Design (as dangerous to the Laws of this Kingdom, the Peace of the same, and the Liberties of all our good Subjects, as to our self, and our just Prerogative) hath proceeded from the subtle Informations, mischievous Practices, and evil Counsels of ambitious turbulent Spirits, disaffected to God’s true Religion, and the Unity of the Professors thereof, our Honour and Safety, and the publick Peace and Prosperity of our People, not without a strong Influence upon the very Actions of both Houses. But how faulty soever others are, we shall (with God’s Assistance) endeavour to discharge our Duty with Uprightness of Heart ; and therefore, since these Propositions come to us in the Name of both Houses of Parliament, We shall take a more particular notice of every of them.

‘ If the 1, 2, 3, 4, 5, 9, 10, 15, 16, 19, Demands had been writ and printed in a Tongue unknown to us, and our People, it might have been possible we and they might have charitably believed the Propositions to be such as might have been in order to the Ends pretended in the Petition (to wit) the establishing of our Honour and Safety, the Welfare and Security of our Subjects and Dominions, and the removing those Jealousies and Differences, which are said to have unhappily fallen betwixt us and our People, and procuring both us and them a constant course of Honour, Peace and Happiness : but being read and understood by all, we cannot but assure our self, that this Profession, joined to these Propositions, will rather appear a Mockery and a Scorn the Demands being such ; as tho we were unworthy of the Trust reposed in us by the Law, and of our Descent from so many great and famous Ancestors, if we could be brought to abandon that Power, which only can enable us to perform what we are sworn to in protecting our People and the Laws, and so assume others into it, as to divest our self of it, altho not only our present Condition (which it can hardly be) were more necessitous than it is, and we were both vanquish’d and a Prisoner, and in a worse condition than ever the most unfortunate of our Predecessors have been reduced to by the most Criminal of their Subjects. And tho the Bait laid to draw us to it, and to keep our Subjects from Indignation at the mention of it, the Promises of a plentiful and unparallel’d Revenue, were reduced from Generals (which signify nothing) to clear and certain Particulars ; since such a Bargain would have but too great a Resemblance of that of *Esau’s*, if we should part with such Flowers of our Crown, as are worth all the rest of the Garland, and have been transmitted to us from so many Ancestors, and have  
‘ been



‘ been found so useful and necessary for the Welfare and Security of our  
 ‘ Subjects, for any present Necessity, or for any low and sordid Considerations  
 ‘ of Wealth add Gain. And therefore all Men knowing, that those Accom-  
 ‘ modations are most easily made, and most exactly observed, that are grounded  
 ‘ upon reasonable and equal Conditions, we have great cause to believe that  
 ‘ the Contrivers of these had no intention of settling any firm Accommodation,  
 ‘ but to increase those Jealousies and widen that Division, which (not by  
 ‘ our fault) is now unhappily fallen between us and both Houses.

‘ It is asked, That all the Lords and others of our Privy-Council, and such  
 ‘ (we know not what you mean by such, but we have cause to think you  
 ‘ mean all) great Officers and Ministers of State, either at home or beyond the  
 ‘ Seas (for Care is taken to leave out no Person or Place, that our Dishonour  
 ‘ may be sure not to be bounded within this Kingdom, tho no subtle Insinu-  
 ‘ ations at such a distance can probably be believed to have been the cause of  
 ‘ our Distractions and Danger) should be put from our Privy-Council, and  
 ‘ from those Offices and Employments, unless they be approved by both Houses  
 ‘ of Parliament, how faithful soever we have found them to us, and the  
 ‘ Publick, and how far soever they have been from offending against any Law,  
 ‘ the only Rule they had, or any others ought to have to walk by. We therefore  
 ‘ to this part of this Demand return you this Answer, that we are willing  
 ‘ to grant, that they shall take a larger Oath than you your selves desire in your  
 ‘ 11th Demand, for maintaining, not of any part, but of the whole Law; and  
 ‘ we have and do assure you, that we will be careful to make Election of  
 ‘ such Persons in those Places of Trust as shall have given good Testimony of  
 ‘ their Abilities and Integrities, and against whom there can be no just cause of  
 ‘ Exception whereon reasonably to ground a Diffidence; that if we have or  
 ‘ shall be mistaken in our Election, we have and do assure you, that there is  
 ‘ no Man so near to us in Place or Affection, whom we will not leave to the  
 ‘ Justice of the Law, if you shall bring a particular Charge and sufficient  
 ‘ Proofs against him; and that we have given you (the best Pledg of the  
 ‘ Effects of such a Promise on our part, and the best Security for the perfor-  
 ‘ mance of their Duty on theirs) a Triennial Parliament, the apprehension of  
 ‘ whose Justice will in all probability make them wary how they provoke it,  
 ‘ and us wary how we charge such, as by the discovery of their Faults may  
 ‘ in any degree seem to discredit our Election, but that without any shadow of  
 ‘ a Fault objected, only perhaps because they follow their Conscience, and pre-  
 ‘ serve the established Laws, and agree not in such Votes, or assent not  
 ‘ unto such Bills, as some Persons, who have now too great an Influence even  
 ‘ upon both Houses, judg, or seem to judg to be for the publick Good, and as  
 ‘ are agreeable to that new *Utopia* of Religion and Government into which  
 ‘ they endeavour to transform this Kingdom: For we remember what Names,  
 ‘ and for what Reasons, you left out in the Bill offered us concerning the  
 ‘ *Militia*, which you had your selves recommended in the Ordinance: we  
 ‘ will never consent to the displacing of any, whom for their former Merits  
 ‘ from, and Affection to us and the Publick, we have intrusted, since we con-  
 ‘ ceive that to do so would take away both from the Affection of our Servants,  
 ‘ the Care of our Service, and the Honour of our Justice; and we the more  
 ‘ wonder it should be ask’d by you of us, since it appears by the 12th Demand,  
 ‘ That your selves count it reasonable, after the present Turn is served, that the  
 ‘ Judges and Officers who are then placed, may hold their Places *quamdiu se bene*  
 ‘ *gesserint*; and we are resolved to be as careful of those we have chosen, as  
 ‘ you are of those you would chuse, and to remove none till they appear to us  
 ‘ to have otherwise behaved themselves, or shall be evicted by legal Proceedings  
 ‘ to have done so.

‘ But this Demand, as unreasonable as it is, is but one Link of a great  
 ‘ Chain, and but the first Round of that Ladder, by which our Just, Antient,  
 ‘ Regal Power is endeavour’d to be fetch’d down to the ground. For it ap-  
 ‘ pears plainly, that it is not with the Persons now chosen, but with our chusing  
 ‘ that you are displeased; for you demand, that the Persons put into the Places  
 ‘ and Employments of those who shall be removed, may be approved by both  
 ‘ Houses; which is so far (as to some at first sight it may appear) from being  
 ‘ less than the Power of Nomination, that of two things (of which we will



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never grant either) we would sooner be content that you should nominate and we approve, than you approve and we nominate; the mere nomination being so far from being any thing, that if we could do no more, we would never take the Pains to do that, when we should only hazard those whom we esteemed, to the scorn of a Refusal, if they happened not to be agreeable, not only to the Judgment, but to the Passion, Interest or Humour of the present major part of either House.

Not to speak now of the great Factions, Animosities, and Divisions which this Power would introduce in both Houses, between both Houses, and in the several Countries, for the choice of Persons to be sent to that Place where that Power was, and between those Persons that were so chosen. Neither is this strange Potion prescribed to Us only for once, for the cure of a present pressing desperate Disease; but for a Diet to us and our Posterity, it is demanded, that our Counsellors, all chief Officers, both of Law and State, Commanders of Forts and Castles, and all Peers hereafter made (as to voting without which, how little is the rest?) be approved of (that is, chosen) by them from time to time; and rather than it should ever be left to the Crown, (to whom it doth and shall belong) if any Place fall void in the Intermission of Parliament, the major part of the approved Council is to approve them: Neither is it only demanded, That we should quit the Power and Right our Predecessors have had of appointing Persons in these Places, but for Counsellors we are to be restrained, as well in the Number as in the Persons, and a Power must be annexed to these Places, which their Predecessors had not: and indeed, if this Power were past to them, it were not fit we should be trusted to chuse those who were to be trusted as much as we.

It is demanded, That such Matters as concern the Publick, and are proper for the High Court of Parliament (which is our Great and Supreme Council) may be debated, resolved, and transacted only in Parliament and not elsewhere, and such as presume to do any thing to the contrary, shall be reserved to the Censure and Judgment of the Parliament; and such other Matters of State, as are proper for our Privy-Council, shall be debated and concluded by such of our Nobility (tho indeed if being made by us they may not vote without the Consent of both Houses, We are rather to call them your Nobility) and others, as shall be from time to time chosen for that Place, by approbation of both Houses of Parliament; and that no publick Act concerning the Affairs of the Kingdom, which are proper for our Privy-Council, may be esteemed of any validity, as proceeding from the Royal Authority, unless it be done by the Advice and Consent of the major part of our Council, attested under their hands: which Demands are of that nature, that to grant them were in effect at once to depose both our self and our Posterity.

These being past, we may be waited on bare-headed, we may have our Hand kifs'd, the Stile of Majesty continued to us, and the King's Authority declared by both Houses of Parliament may be still the Stile of your Commands; we may have Swords and Maces carried before us, and please our self with the sight of a Crown and Scepter (and yet even these Twigs would not long flourish, when the Stock upon which they grew were dead) but as to true and real Power, we should remain but the Out-side, but the Picture, but the Sign of a King. We were ever willing that our Parliament should debate, resolve and transact such Matters as are proper for them, as far as they are proper for them; and we heartily wish, that they would be as careful not to extend their Debates and Resolutions beyond what is proper to them, that multitudes of things punishable, and Causes determinable by the ordinary Judicatures, may not be entertained in Parliament, and so cause a long, chargeable and fruitless Attendance of our People, and (by degrees) draw to you as well all the Causes, as all the Faults of *Westminster-Hall*, and divert your proper business; that the Course of Law be no ways diverted, much less disturbed, as was actually done by the stop of the Proceedings against a Riot in *Southwark*, by Order of the House of Commons, in a time so riotous and tumultuous, as much increased the danger of popular Insolences by such a Countenance to Riots, and Discountenance of Law: That you descend not to the leisure of recommending Lecturers to Churches, nor ascend to the

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Legislative Power, by commanding (the Law not having yet commanded it) that they whom you recommend be received, altho neither the Parson nor Bishop do approve of them; and that the Refusers (according to the course so much formerly complained of to have been used at the Council Table) be not sent for to attend to shew Cause, at least, that you would consider Con-  
veniency, if not Law, and recommend none but who are well known to you to be Orthodox, Learned and Moderate, or at least such as have taken Orders, and are not notorious Depravers of the Book of Common-Prayer; a Care which appeareth by the Discourses, Sermons and Persons of some recom-  
mended by you, not to have been hitherto taken: and it highly concerns both you in Duty, and the Common-Wealth in the Consequences, that it should have been taken; That neither one Estate transact what is proper for two, nor two what is proper for three; and consequently, that (contrary to our declared Will) our Forts may not be seized, our Arms may not be removed, our Mo-  
nies may not be stopt, our Legal Directions may not be countermanded by you, nor we desired to countermand them our self; nor such Entrances made upon a real War against us, upon pretence of an imaginary War against you, and a Chimera of Necessity. So far do you pass beyond your Limits, whilst you seem by your Demand to be strangely straitned within them; at least we could have wished you would have expressed what Matters you meant as fit to be transacted only in Parliament, and what you meant by only in Parliament.  
You have of late been persuaded, by the new Doctrine of some few, to think that proper for your Debates, which hath not used to be at all debated within those Walls, but been trusted wholly with our Predecessors and us; and to transact those things, which without the Regal Authority, since there were Kings of this Kingdom, were never transacted: It therefore concerns us the more, that you speak out, and that both we and our People may either know the bottom of your Demands, or know them to be bottomless. What concerns more the Publick, and is more (indeed) proper for the High Court of Parliament, than the making of Laws, which not only ought there to be transacted, but can be transacted no where else? But then you must admit us to be a part of the Parliament, you must not (as the sense is of this part of the Demand, if it have any) deny the freedom of our Answer, when we have as much right to reject what we think unreasonable, as you have to propose what you think convenient or necessary: Nor is it possible our Answers, either to Bills, or any other Propositions, should be wholly free, if we may not use the liberty of every one of you, and of every Subject, and receive Advice (without their Danger who shall give it) from any Person, known or unknown, sworn or unsworn, in these Matters, in which the manage of our Vote is trusted by the Law to our own Judgment and Conscience; which how best to inform, is (and ever shall be) left likewise to us: and most unreasonable it were, that two Estates proposing something to the Third, that Third should be bound to take no Advice, whether it were fit to pass, but from those two that did propose it. We shall ever in these things, which are trusted wholly to us by the Law, not decline to hearken to the Advice of our Great Council, and shall chuse to hear willingly the free Debates of our Privy Council, (whenever we may be suffer'd to have them for sending for, and they shall not be terrified from that freedom by Votes, and Brands of Malignants, and Enemies to the State, for advising what no Law forbids to advise) but we will retain our Power, of admitting no more to any Council than the Nature of the Business requires, and of discoursing with whom we please, of what we please, and informing our Understanding by Debate with any Persons, who may be well able to inform and advise us in some Particulars, though their Qualities, Education, or other Abilities, may not make them so fit to be of our sworn Council; and not tie our self up not to hear any more than twenty five (and these not chosen absolutely by us) out of a Kingdom so replenished with judicious and experienced Persons of several kinds. And tho we shall (with the proportionable consideration due to them) always weigh the Advices both of our Great and Privy Council, yet we shall also look upon their Advices as Advices, not as Commands or Impositions; upon them as our Counsellors, not as our Tutors and Guardians, and upon our self as their King, not as their Pupil or Ward: for whatsoever  
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of Regality were, by the modesty of Interpretation left us, in the first part of the second Demand, as to the Parliament, is taken from us in the second part of the same, and placed in this new-fangled kind of Counsellors, whose Power is such, and so expressed by it, that in all publick Acts concerning the Affairs of this Kingdom, which are proper for our Privy Council, (for whose Advice all publick Acts are sometimes proper, tho never necessary) they are desired to be admitted joint Patentees with us in the Regality; and it is not plainly expressed, whether they mean us so much as a single Vote in these Affairs; but it is plain they mean us no more, at most, than a single Vote in them, and no more Power than every one of the rest of our Privy Counsellors; only leave to us, out of their Respect and Duty, (and that only is left of all our antient Power) a Choice, Whether these that are thus to be joined with (or rather set over) us, shall be 15 or 25: And great care is taken that the Oath which these Men shall take, shall be such, in the framing the Form of which, (tho sure we are not wholly unconcern'd in it) we may be wholly excluded, and that wholly reserved to be agreed upon by both Houses of Parliament.

And to shew that no more care is taken of our Safety, than of our Power, after so great Indignities offered to us, and countenanced by those who were most obliged to resent them: After our Town and Fort kept from us, (from which, if it were no otherwise ours, than the whole Kingdom is, we can no more legally be kept out, than out of our whole Kingdom, which sure your selves will not deny to be Treason) our Arms, our Goods sent away, and our Money stopp'd from us, our Guards (in which we have no other Intention, than to hinder the End of these things from being proportionable to their Beginnings) are not only desired to be dismissed before Satisfaction for the Injury, Punishment of the Injurers, and Care taken for our future Security from the like. But it is likewise desired, (and for this Law is pretended, and might as well have been for the rest, which yet with some ingenuity are it seems acknowledged to be but desires of Grace) that we shall not for the future raise any Guards, or extraordinary Forces, but in case of actual Rebellion or Invasion; which if it had been Law, and so observed in the Time of our Predecessors, few of those Victories, which have made these Nations famous in other Parts, could have been legally atchieved: Nor could our blessed Predecessor, Queen *Elizabeth*, have so defended her self in Eighty eight. And if no Forces must be levied till Rebellions and Invasions (which will not stay for the calling of Parliaments, and their Consent for raising Forces) be actual, they must undoubtedly (at least most probably) be effectual and prevalent.

And as neither Care is taken for our Rights, Honour, nor Safety as a Prince; so our Rights, as a private Person, are endeavoured to be had from us; it being asked, that it may be Unlawful and Punishable, not only to conclude, but even to treat of any Marriage with any Person for our own Children, or to place Governors about them without Consent of Parliament; and in the intermission of these, without the Consent of our good Lords of the Council; that we may not only be in a more despicable State than any of our Predecessors, but in a meaner and viler Condition than the lowest of our Subjects, who value no Liberty they have more, than that of the free Education and Marriage of their Children, from which we are asked to debar our self; and have the more Reason to take it ill that we are so, because for our Choice of a Governour for our Son, and of a Husband for our Daughter, (in which the Protestant Religion was our principal Consideration) we conceived we had reason to expect your present Thanks, and the increase of your future Trusts.

We suppose these Demands by this time, to appear such as the Demanders cannot be supposed to have any such real Fear of us as hath been long pretended: they are too much in the Stile, not only of Equals, but of Conquerors; and as little to be intended for removing of Jealousies, (for which End they are said to be asked; and that is not as Merchants ask at first, much more than they will take, but at most necessary to effect it, which (if they be) God help this poor Kingdom, and those who are in the Hands of such Persons, whose Jealousies nothing else will remove) which indeed is such a way, as if there being Differences and Suits between two Persons, whereof one would have from the other several parcels of his Antient Land, he should

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propose



propose to him, by way of Accommodation, that he would quit to him all those in question, with the rest of his Estate, as the most necessary and effectual Means to remove all those Suits and Differences: But we call God to witness, that as for our Subjects sake these Rights are vested in us; so for their sakes, as well as for our own, we are resolved not to quit them, nor to subvert (tho in a parliamentary way) the antient, equal, happy, well-poised, and never enough commended Constitution of the Government of this Kingdom; nor to make our self, of a King of *England*, a Duke of *Venice*; and this of a Kingdom, a Republick.

There being three kinds of Government among Men, Absolute Monarchy, Aristocracy, and Democracy; and all these having their particular Conveniences and Inconveniences; the Experience and Wisdom of your Ancestors, hath so moulded this out of a Mixture of these, as to give to this Kingdom (as far as humane Prudence can provide) the Conveniences of all three, without the Inconveniences of any one, as long as the Ballance hangs even between the three Estates, and they run jointly on in their proper Channel, (begetting Verdure and Fertility in the Meadows on both sides) and the overflowing of either on either side, raise no Deluge or Inundation. The Ill of Absolute Monarchy, is Tyranny; the Ill of Aristocracy, is Faction and Division; the Ills of Democracy, are Tumults, Violence, and Licentiousness. The Good of Monarchy, is the uniting a Nation under one Head, to resist Invasion from Abroad, and Insurrection at Home; the Good of Aristocracy, is the conjunction of Council in the ablest Persons of a State for the publick Benefit; the Good of Democracy, is Liberty, and the Courage and Industry which Liberty begets.

In this Kingdom the Laws are jointly made by a King, by a House of Peers, and by a House of Commons chosen by the People, all having free Votes and particular Privileges. The Government according to these Laws, is trusted to the King; Power of Treaties, of War and Peace, of making Peers, of chusing Officers and Counsellors for State, Judges for Law, Commanders for Forts and Castles; giving Commissions for raising Men; to make War Abroad, or to prevent or provide against Invasions or Insurrections at Home; Benefit of Confiscations, Power of Pardoning, and some more of the like kind, are placed in the King. And this kind of regulated Monarchy, having this Power to preserve that Authority, without which it would be disabled to preserve the Laws in their Force, and the Subjects in their Liberties and Properties, is intended to draw to him such a Respect and Relation from the great Ones, as may hinder the Ills of Division and Faction; and such a Fear and Reverence from the People, as may hinder Tumults, Violence, and Licentiousness.

Again, That the Prince may not make use of this high and perpetual Power to the hurt of those for whose Good he hath it; and make use of the Name of *Publick Necessity*, for the Gain of his private Favourites and Followers, to the detriment of his People, the House of Commons, (an excellent Conserver of Liberty, but never intended for any share in Government, or the chusing of them that should govern) is solely intrusted with the first Propositions concerning the Levies of Monies, (which is the Sinews as well of Peace as of War;) and the impeaching of those, who for their own Ends, tho countenanced by any surreptitiously gotten Command of the King, have violated that Law, which he is bound (when he knows it) to protect; and to the prosecution of which they were bound to advise him, at least not to serve him in the contrary. And the Lords being trusted with a Judicatory Power, are an excellent Skreen and Bank between the Prince and People, to assist each against any Incroachments of the other; and by just Judgments to preserve that Law, which ought to be the Rule of every one of the Three. For the better enabling them in this, beyond the Examples of any of our Ancestors, we were willingly contented to oblige our self, both to call a Parliament every three Years, and not to dissolve it in fifty Days; and for the present Exigent, the better to raise Money, and to avoid the Pressure, (no less grievous to us than them) our People must have suffer'd by a longer continuance of so vast a Charge as two great Armies; and for their greater certainty of having sufficient Time to remedy the Conveniences arisen, during so long an absence of Parliaments,



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Parliaments, and for the Punishment of the Cauſers and Miniſters of them, we yielded up our Right of diſſolving this Parliament, expecting an extraordinary Moderation from it, in Gratitude for ſo unexampled a Grace, and little looking that any Malignant Party ſhould be encouraged, or enabled to have perſuaded them, firſt to countenance the Injuſtices and Indignities we have endured, and then by a new way of Satisfaction for what was taken from us, to demand of us at once to confirm what was ſo taken, and to give up almoſt all the reſt.

Since therefore the Power, legally placed in both Houſes, is more than ſufficient to prevent and reſtrain the Power of Tyranny, and without the Power, which is now asked from us, we ſhall not be able to diſcharge that Truſt, which is the end of Monarchy, ſince this would be a total Subverſion of the Fundamental Laws, and that excellent Conſtitution of this Kingdom, which hath made this Nation ſo many Years, both famous and happy to a great degree of Envy; ſince to the Power of puniſhing (which is already in your hands according to Law) if the Power of preferring be added, we ſhall have nothing left for us but to look on, ſince the incroaching of one of theſe Eſtates upon the Power of the other is unhappy in the Effects, both to them and all the reſt; ſince this Power of at moſt a joynt Government in us with our Counſellors (or rather our Guardians) will return us to the worſt kind of Minority, and make us deſpicable both at home and abroad, and beget eternal Factions and Diſſenſions (as deſtructive to publick Happineſs as War) both in the choſen, and in the Houſes that choſe them, and the People who choſe the Choſers; ſince ſo new a Power will undoubtedly intoxicate Perſons who were not born to it, and beget not only Diviſions among them as Equals, but in them Contempt of us, as become an Equal to them, and Insolence and Injuſtice toward our People, as now ſo much their Inferiors, which will be the more grievous unto them, as ſuffering from thoſe who were ſo lately of a nearer degree to themſelves, and being to have Redreſs only from thoſe that placed them, and fearing they may be inclined to preſerve what they have made, both out of Kindneſs and Policy, ſince all great Changes are extremely inconvenient, and almoſt infallibly beget yet greater Changes, which beget yet greater Inconveniencies.

Since as great an one in the Church muſt follow this of the Kingdom; ſince the ſecond Eſtate would in all probability follow the Fate of the firſt, and by ſome of the turbulent Spirits Jealouſies would ſoon be raiſed againſt them, and the like Propoſitions for Reconciliation of Differences would be then ſent to them, as they now have joined to ſend to us till (all Power being veſted in the Houſe of Commons, and their number making them incapable of tranſacting Affairs of State with the neceſſary Service and Expedition, thoſe being reſtrained to ſome cloſe Committee) at laſt the common People (who in the mean time muſt be flattered, and to whom Liſenſe muſt be given in all their wild Humours, how contrary ſoever to eſtabliſhed Law, or their own real Good) diſcover this *Arcanum Imperii*, That all this was done by them, but not for them, and grow weary of Journey-work, and ſet up for themſelves, call Parity and Independence Liberty, devour that Eſtate which had devoured the reſt; deſtroy all Rights and Properties, all Diſtinctions of Families and Merit; and by this means this ſplendid and excellently diſtinguiſhed Form of Government end in a dark equal Chaos of Confuſion, and the long Line of our many Noble Anceſtors in a *Jack Cade*, or a *Wat Tyler*.

For all theſe Reaſons to all theſe Demands our Answer is, *Nolumus Leges Angliæ mutari*: but this we promiſe, that we will be as careful of preſerving the Laws in what is ſuppoſed to concern wholly our Subjects, as in what moſt concerns our ſelf: For indeed we profeſs to believe, that the preſervation of every Law concerns us, thoſe of Obedience being not ſecure, when thoſe of Protection are violated; and we being moſt of any injur'd in the leaſt Violation of that by which we enjoy the higheſt Rights and greateſt Benefits, and are therefore obliged to defend no leſs by our Intereſt, than by our Duty, and hope that no Jealouſies to the contrary ſhall be any longer nourished in any of our good People by the ſubtile Inſinuations and ſecret Practices of Men, who for private Ends are diſaffected to our Honour and Safety, and the Peace and Proſperity of our People. And to ſhew you, that

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no just Indignation at so reproachful Offers shall make us refuse to grant what is probable to conduce to the good of our good People, because of the ill Company it comes in, we will search carefully in this heap of unreasonable Demands, for so much as we may (complying with our Conscience, and the Duty of our Trust) assent unto, and shall accordingly agree to it.

In pursuance of which Search in the fourth Proposition, under a Demand, which would take from us that Trust, which God, Nature and the Laws of the Land have placed in us, and of which none of you could endure to be deprived, we find something to which we give this Answer, That we have committed the principal Places about our Children to Persons of Quality, Integrity and Piety, with special regard that their tender Years might be so season'd with the Principles of the true Protestant Religion, as (by the Blessing of God upon this our Care) this whole Kingdom may in due time reap the Fruit thereof: and as we have been likewise very careful in the choice of Servants about them, that none of them may be such, as by ill Principles, or by ill Examples, to cross our Endeavours for their pious and vertuous Education; so if there shall be found (for all our Care to prevent it) any Person about our Children (or about us, which is more than you ask) against whom both Houses shall make appear to us any just Exception, we shall not only remove them, but thank you for the Information; only we shall expect that you shall be likewise careful, that there be no under-hand dealing by any to seek Faults to make room for others to succeed in their Places.

For the fifth Demand, as we will not suffer any to share with us in our power of Treaties, which are most improper for Parliaments, and least of all in those Treaties in which we are nearest concern'd, not only as a King, but as a Father; yet we do (such is our desire to give all reasonable Satisfaction) assure you by the Word of a King, that we shall never propose or entertain any Treaty whatsoever for the Marriage of any of our Children, without due regard to the true Protestant Profession, the Good of our Kingdoms, and the Honour of our Family.

For the sixth Demand, concerning the Laws in force against Jesuits, Priests and Popish Recusants, we have by many of our Messages to you, by our voluntary Promise to you so solemnly made, never to pardon any Popish Priest, by our strict Proclamations lately published in this Point, and by the publick Examples which we have made in that case since our residence at *York*, and before at *London*, sufficiently expressed our Zeal herein. Why do you then ask that in which our own Inclination hath prevented you? And if you can yet find any more effectual course to disable them from disturbing the State, or eluding the Law by Trusts, or otherwise, we shall willingly give our Consent to it.

For the seventh Demand, concerning the Votes of the Popish Lords, we understand, that they in Discretion have withdrawn themselves from the service of the House of Peers, (and had done so when use was publickly made of their Names to asperse the Votes of that House, which was then counted as malignant, as those, who are called our unknown and unsworn Counsellors, are now) neither do we conceive, that such a positive Law against the Votes of any whose Blood gives them that Right, is so proper in regard of the Privilege of Parliament, but are content, that so long as they shall not be conformable to the Doctrine and Discipline of the Church of *England*, they shall not be admitted to sit in the House of Peers, but only to give their Proxies to such Protestant Lords as they shall choose, who are to dispose of them as they themselves shall think fit, without any reference at all to the Giver.

As to the desires for a Bill for the Education of Papists by Protestants in Protestant Profession, many about us can witness with us, that we have often delivered our Opinion, that such a course (with God's Blessing upon it) would be the most effectual for the rooting Popery out of this Kingdom; we shall therefore thank you for it, and encourage you in it, and when it comes unto us, do our Duty: and we heartily wish for the publick Good, that the time you have spent in making Ordinances without us, had been employed in preparing this and other good Bills for us.



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For the eighth, touching the Reformation to be made of the Church-Government and Liturgy, we had hoped that what we had formerly declared concerning the same, had been so sufficiently understood by you, and all good Subjects, that we should not need to have expressed our Self further in it. We told you in our Answer to your Petition presented to us at *Hampton-Court*, the first of *December*, that for any illegal Innovations which may have crept in, we should willingly concur in the Removal of them; that if our Parliament should advise us to call a national Synod which may duly examine such Ceremonies as give just Cause of Offence to any, we should take it into Consideration, and apply our Self to give due Satisfaction therein; that we were persuaded in our Conscience, that no Church could be found upon the Earth, that professeth the true Religion with more Purity of Doctrine than the Church of England doth, nor where the Government and Discipline are jointly more beautified, and free from Superstition, than as they are here established by Law; which (by the Grace of God) we will with constancy maintain (while we live) in their Purity and Glory, not only against all Invasions of Popery, but also from the Irreverence of those many Schismatics and Separatists, wherewith of late this Kingdom and our City of *London* abounds, to the great Dishonour and Hazard both of Church and State; for the Suppression of whom we required your timely and active Assistance. We told you in our first Declaration, printed by the Advice of our Privy-Council, That for Differences amongst our Selves for Matters indifferent in their own nature concerning Religion, we should in Tenderness to any number of our loving Subjects, very willingly comply with the Advice of our Parliament, that some Law might be made for the Exemption of tender Consciences from Punishment, or Prosecution for such Ceremonies, and in such Cases, which by the Judgment of most Men are held to be Matters indifferent, and of some to be absolutely unlawful; Provided that this Ease should be attempted and pursued with that Modesty, Temper and Submission, that in the mean time the Peace and Quiet of the Kingdom be not disturbed, the Decency and Comeliness of God's Service discountenanced, nor the pious, sober, devout Actions of those Reverend Persons who were the first Labourers in the blessed Reformation, or of that time, be scandalized and defamed. And we heartily wish, that others whom it concerned, had been as ready as their Duty bound them, though they had not received it from us, to have pursued this Caution, as we were, and still are willing and ready to make good every particular of that Promise. Nor did we only appear willing to join in so good a Work, when it should be brought us, but prest and urged you to it by our Message of the 14th of *February*, in these words: And because his Majesty observes great and different Troubles to arise in the Hearts of his People concerning the Government and Liturgy of the Church, his Majesty is willing to declare, That he will refer the whole Consideration to the Wisdom of his Parliament, which he desires them to enter into speedily, that the present Distractions about the same may be composed; but desires not to be prest to any single Act on his part, till the whole be so digested and settled by both Houses, that his Majesty may clearly see what is fit to be left, as well as what is fit to be taken away: Of which we the more hoped of a good Success to the general Satisfaction of our People, because you seem in this Proposition to desire but a Reformation, and not, as is daily preached for as necessary in those many Conventicles which have within these nineteen Months begun to swarm, and which, tho their Leaders differ from you in this Opinion, yet appear to many as countenanced by you, by not being punished by you (few else, by reason of the Order of the House of Commons of the 9th of *September*, daring to do it) a Destruction of the present Discipline and Liturgy. And we shall most chearfully give our best Assistance for raising a sufficient Maintenance for preaching Ministers, in such course as shall be most for the Encouragement and Advancement of Piety and Learning.

For the Bills you mention, and the Consultation you intimate, knowing nothing of the particular Matters of the one (tho we like the Titles well) nor of the manner of the other, but from an Informer (to whom we give little Credit, and we wish no Mankind more) common Fame, we can say nothing till we see them.

For the eleventh. We would not have the Oath of all Privy-Counsellors and Judges straitned to particular Statutes of one or two particular Parliaments,

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but



but extend to all Statutes of all Parliaments, and the whole Law of the Land, and shall willingly consent, *That an Enquiry of all the Breaches and Violations of the Law may be given in Charge by the Justices of the King's Bench every Term, and by the Judges of Assize in their Circuits, and Justices of the Peace at the Sessions to be presented and punished according to Law.*

For the seventeenth, We shall ever be most ready, (and we are sorry it should be thought needful to move us in it) not only to joyn with any (particularly *with the States of the United Provinces*, of which we have given a late Proof in the Match of our Daughter) *for the Defence and Maintenance of the Protestant Religion against all Designs and Attempts of the Pope and his Adherents*, but singly (if need were) to oppose with our Life and Fortune *all such Designs* in all other Nations, were they joyned: And that for considerations of Conscience, far more than any temporal end *of obtaining access of Strength and Reputation*, or any natural end *of restoring our Royal Sister and her Princely Issue to their Dignities and Dominions*, though these be likewise much considered by us.

For the eighteenth, it was not our Fault that an Act was not passed *to clear the Lord Kymbolton, and the five Members of the House of Commons*, but yours, who inserted Clauses into both the Preamble and Act (perhaps perswaded to it by some who wish not that you should in any thing receive Satisfaction from us) as by passing the Preamble, we must have wounded our Honour against our Conscience, and by another Clause have admitted a Consequence, from which we could never have been secured, by declaring, *That no Member of either House, upon any Accusation of Treason, could have his Person seized without the Consent of that House of which he is a Member*, tho the known Law be, *That Priviledg of Parliament extends not to Treason*; and if it did, any Member (the House being for a short time adjourned, and so their Consent not being so had) how treasonable soever his Intentions were, how clearly soever known, and how suddenly soever to be executed, must have fair leave given him to go on, and pursue them; no way, how legal soever, after the passing such a Clause being left to prevent it.

To conclude; we conjure you, and all Men, to rest satisfied with the Truth of our Professions, and the reality of our Intentions, not to ask such things as deny themselves, that you declare against Tumults and punish the Authors; that you allow us our Propriety in our Towns, Arms and Goods, and our share in the Legislative Power, which would be counted in us, not only Breach of Priviledg, but Tyranny and Subversion of Parliaments to deny to you. And when you shall have given us Satisfaction upon those Persons who have taken away the one, and recalled those Declarations (particularly that of the 26th of May) and those in the Point of the *Militia* (our just Rights wherein we will no more part with than with our Crown, lest we enable others by them to take that from us) which would take away the other, and declined the beginnings of a War against us, under pretence of our Intention of making one against you; as we have never opposed the first part of the thirteenth Demand, so we shall be ready to concur with you in the latter.

And being then confident that the Credit of those Men, who desire a general Combustion, will be so weakened with you, that they will not be able to do this Kingdom any more harm, we shall be willing to grant our general Pardon, with such Exceptions as shall be thought fit, and shall receive much more Joy in the hope of a full and constant Happiness of our People in the true Religion, and under the Protection the Law, by a blessed Union between us and our Parliament (so much desired by us) than any such encrease of our Revenue (how much soever beyond former Grants) as (when our Subjects were wealthiest) our Parliament could have settled upon us.



An. 1642.

Order of the  
two Houses a-  
gainst pawning  
the Jewels of  
the Crown.

*An Order of the House concerning the Pawning of the Crown Jewels at Amsterdam.*

*Die Jovis 2 Junii, 1642.*

WHEREAS it doth appear, to the Lords and Commons in Parliament, that the King seduced by wicked Counsel, doth intend to levy War against this Parliament: And whereas Information hath been given, that the Jewels of the Crown (which by the Law of the Land ought not to be alienated) are either pawned or sold in *Amsterdam*, or some other Part beyond the Seas; and thereby great sums of Money provided to be returned to *York*, or to some of his Majesty's Servants or Agents, for his Majesty's Use. And whereas 'tis more than probable, that this great provision of Money in this extraordinary Way, is to maintain this intended War, and thereby to bring the whole Kingdom into utter Ruin and Combustion. It is therefore declared, by the Lords and Commons in Parliament, That whosoever hath been, or shall be an Actor in the selling or pawning of any Jewels of the Crown, or hath or shall pay, lend, send, or bring any Money *in specie* into this Kingdom, for or upon any of those Jewels; or whosoever hath or shall accept of any Bill from beyond the Seas, for the payment of any Sum of Money for or upon any of those Jewels, and shall pass any Sum according to such Bill, after notice of this Order, without acquainting this House with the receipt of such Bill before he accept the same; or if he have already accepted any such Bill, then with the acceptance thereof, before the payment of the Money: Every such Person shall be held and accounted a Promoter of this intended War, an Enemy to the State, and ought to give Satisfaction for this publick Damage out of his own Estate.

*H. ELSING Cler. Parl. Dom. Com.*

*An Order for the Members of the House of Commons to attend the Parliament.*

*Die Jovis 2 Junii 1642.*

IT is this day Ordered by the Commons now assembled in Parliament, That the several Members of this House do forthwith give their Attendance upon the publick Service of this Common-Wealth, with which they are entrusted by their Countries. And the Sheriffs of the several Counties of this Kingdom of *England* and Dominion of *Wales*, are required to give notice of this Order, unto all such Members of the House of Commons as are within the respective Counties, and speedily to make return of such their Doings unto the Speaker of that House. And all such as shall not make their personal Appearance by the 16th day of this instant *June* in the House of Commons, shall each one forfeit one hundred Pounds, to be disposed of for the Wars in *Ireland*, and undergo such further Censure and Punishment as the said House shall think fit for so great neglect of their Duty, in a time that so necessarily requires their Assistance.

Provided always that all such that are specially employed by this House, are to remain in such Employments, until they shall have particular Directions for their Return.

Ordered that it be forthwith Printed.

*H. ELSING Cler. Parl. Com.*

*Die Sabbati 4 Junii 1642.*

*Sir Walter Earl, Sir Peter Wentworth, Sir Samuel Rolle, Mr. Arthur Goodwin, Mr. Pury, Mr. Noble.*

A Committee  
for putting  
Votes and Or-  
ders in Execu-  
tion.

THIS Committee, or any three of them, are appointed to consider of the best way of putting the publick Orders and Votes of the House in execution, and of divulging, dispersing and publishing the said Orders and Votes, and also the Declaration



Declaration of the House thro the Kingdom, and of the well and true printing of them; and have power to imploy Messengers, as they shall see occasion; and to make them Allowances, and to sit when and where they please.

18 Car.

HEN. ELSING Cler. Parl. Dom. Com.

[About this time several Lords left the Parliament, and repaired to the King at York: Whereupon there was an Order of the House of Lords sent to them, requiring their Appearance as Delinquents; whereunto they returned this Answer.]

*A Letter sent from those Lords, whose Names are under-written, to the Right Honourable the Lords and Commons assembled in the High Court of Parliament, June the 4th, 1642.*

WE whose Names are under-written, have each of us received an Order, signed by the Clerk of the House, *John Brown*; commanding our Appearance as Delinquents, at the Bar, (the 8th of June instant) to answer an high Contempt against the House, contrary to our Duty, and our breach of Privilege of Parliament, which by Oath we are bound to maintain.

We are very sensible to hear such a Stile, as the Name of *Delinquency*, should be put upon us; and so great a Disgrace, as coming to the Bar, which we conceive to be contrary to the Dignity and Privilege of Peers; the particularity of the Crime not at all notified. And we do further conceive, That it is the apparent usual and inherent Right belonging to the Peerage of *England*, That in the highest Misdemeanour whatsoever, no Peer is to answer to the first Charge but in his own Person, and not upon the first Charge to come to the Bar. And as we are ignorant of the Nature of this Contempt, so are we not informed by the Order wherein we have broken any Privilege of Parliament, much less violated any Oath.

The cause of our coming, being to pay a willing Obedience to his Majesty's Command, signified by Letters under his own Hand: And we shall be much comforted and satisfied (when his Majesty's Occasions shall permit us) to return back to the House, to sit with the Liberty and that Condition that the Peerage of *England* formerly have done, secured from all Menaces, or demanding any Account of our particular Votes, and from tumultuary Assemblies. My Lords, we hope, that as in our Hearts resides a great Reverence and Duty to the House, so we are confident those honourable Lords that are present there, will not affix any Character upon our Persons and Actions, but as may become Men of Honour to bear: And so we rest,

Your Lordships affectionate Friends and Servants,

*Northampton.*

*Monmouth.*

*Grey of Ruthen.*

*Devonshire.*

*Rich.*

*Coventry.*

*Dover.*

*Andover.*

*Capell.*

[Hereupon the Commons resolved to impeach them; which was done accordingly, as follows.]

*Articles of Impeachment against the nine Lords, viz. The Earls of Northampton, Devonshire, Monmouth and Dover; and the Lords, Rich, Andover, Grey of Ruthen, Coventry and Capell.*

THE Lords and Commons assembled in Parliament, finding the Distractions of the Kingdom to be great, have thought fit to explain and remonstrate to the World the grounds of their Proceedings, and the Causes of these Distractions, in these ensuing Particulars.

1. The Root of the mischievous Designs.

2. The

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Impeachment  
against the 9  
Lords for de-  
serting the Par-  
liament, and  
not returning  
upon Sum-  
mons.



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2. The Maturity to which they had attained before the beginning of this Parliament.

3. The effectual Means which hath been used for the extirpation of those desperate Evils, by the progression which therein hath been made by the Wisdom of the Parliament.

4. The ways of opposition by which that Progress is interrupted.

5. The Courses to be taken for the removing of these Obstacles, and for the accomplishing of our faithful Endeavours of restoring the ancient Honour, Greatness and Security of this Crown and Nation: The root of all this Mischief, we find to be a malignant Design of subverting the Fundamental Laws, upon which the Religion and Justice of this Nation are firmly established.

The Actors hereof have been,

1. The Papists which hate the Laws as the Obstacles of that subversion of Religion which they so much long for.

2. Such Counsellors and Courtiers, as for private Ends have engaged themselves to further the Interests of foreign Princes or States, to the prejudice of his Majesty and the State at home.

The common Principles by which they govern their Actions, are these;

1. To maintain continual Differences betwixt the King and the People, upon questions of Prerogative and Liberty, that so they may gain to themselves and their Parties the greatest places of Trust and Power in the Kingdom.

2. To suppress the purity of Religion, and such Persons as were best affected to it.

3. To disaffect the King to Parliaments, by Slanders and false Imputations; and by putting him upon other Ways of Supply, which in shew were fuller of Advantage than the ordinary course of Subsidies, which indeed have been the greatest Cause of these Troubles and Distractions under which we suffer.

Here are the Authors and Causes of these Distempers made manifest, now it is necessary to declare how far these Mischiefs have extended.

Former Relations, and precedent Declarations, have made some apparent; but yet so great is the Power of Ambition, that the Infliction and Execution of the Law upon *Strafford*; the Durance and Imprisonment of divers others of that Faction, can no way deter them from using all Means to perfect their Designs; and finding no way so apt for their Purposes, as to foment Jealousies between the King and Parliament, they have cast many odious Scandals upon the Proceedings of Parliament: Nay, so far has their Treachery extended, that they have seduced divers Members of the Parliament, namely, *Spencer* Earl of *Northampton*, *William* Earl of *Devonshire*, *Henry* Earl of *Monmouth*, *Charles* Lord *Howard* of *Chesterton*, *Robert* Lord *Rich*, *Charles* Lord *Grey* of *Ruthen*, *Thomas* Lord *Coventry*, and *Arthur* Lord *Capell*, who are impeach'd for these high Crimes and heinous Misdemeanours following.

1. That contrary to their Duty, they being Peers of the Realm, and summoned by Writ to attend the Parliament; and contrary to an Order of the House of Peers, of the 9th of *April* last, and several other Orders, requiring their Attendance on the said House, they, without leave departed, and left the Service of the House.

2. That after a Vote passed in both Houses, the 20th of *May* last, that the King seduced by wicked Counsel, intends to make War against his Parliament, &c. It was voted, That the departure of these nine Lords without leave, at such a time when the House had declared, that the King intended to make War against his Parliament; and their still continuing at *York*, notwithstanding their Summons and Command, is a high Affront and Contempt of both Houses; and that the said Lords did as much as in them lay, that the business of Parliament might be deserted, and are justly suspected to promote War against the Parliament.

For that they having, by another Order of the 30th of *May*, been duly summoned by the House of Peers, to make their Appearance before that House, upon the 8th day of *June* last past: they refused to appear, and returned a scornful Answer, by a Letter under their Hands, directed to the Speaker of the Lords House, and remaining there upon Record.

For which Crimes and Misdemeanours, (they tending to the Dissolution of the Parliament, and Disturbance of the Kingdom) it is demanded by the Commons, That



That the said Lords may be brought to their Answer, and receive speedy and exemplary Punishment, according to their Demerits.

Ordered by the Lords and Commons assembled in Parliament, that this be printed and published.

H. ELSING Cler. Parl. Dom. Com.

18 Car.

*The Speech of Denzil Holles Esq; delivered at the Lords Bar, Wednesday the 15th of June, upon the Impeachment of the Earls of Northampton, &c.*

*My Lords,*

**B**Y the Command of the Knights, Citizens and Burgesses of the House of Commons, I come hither unto your Lordships, in behalf of the Parliament, or rather in behalf of the whole Kingdom, labouring with much Distraction, many Fears, great Apprehensions of Evil and Mischief intended against it, and now hatching and preparing by that Malignant Party, which thirsts after the Destruction of Religion, Laws and Liberty; all which are folded up, cherished, and preserved in the careful Bosom of the Parliament.

*My Lords,* The Parliament is the Foundation and Basis of Government, and consequently of the Peace and Happiness of the Kingdom. As it creates the Law by which we are ruled and governed in Peace and Quietness, so it preserves the Law in Power and Authority: It watches over our Religion, that it be not supplanted and changed by superstitious Innovations; the Truth and Substance of it eaten up with Formality, vain Pomp, and unnecessary Ceremonies; the gross Errors of Popery and Arminianism imposed upon us as the Doctrine of our Church: A way opened to all Licentiousness; and occasion hereby taken to oppress and persecute all Religious and Conscientious Men that shall oppose these Proceedings, (as hath been used of late.) It is the *Conservative* of the Rights and Liberties of the Subject, and the *Corrective* of Injustice and Oppression, whereby equal Right is distributed to all, and every Man hath that benefit and protection of Justice which is due unto him: It is that by which alone common Necessities can be provided for, and publick Fears prevented. So that I may say, not only the Peace and Happiness, and Well-being, but the very Being of this Kingdom, can have no other Bottom to stand upon but the Parliament, it being the Foundation upon which the whole Frame of the Commonwealth is built.

Therefore those who would destroy the Building, apply themselves to undermine the Foundation. If they can take away Parliaments, or but weaken the Power and Authority of Parliament, which is all one, (for if it once have no Power, it will soon have no Being) they know then all will be at their Mercy, nothing will stand in their way to oppose them, but a Flood of Violence will run over, and cover the whole Surface of the Kingdom, and carry away all, both present Enjoyment, and future Hope of Religion, Liberty, and whatsoever else is precious and dear unto us.

And accordingly, it hath ever been the Policy of evil Counsellors (who are the greatest Enemies we have in the World, or can have) to strike at Parliaments, keep off Parliaments, break Parliaments, or divide Parliaments, by making Factions, casting in Diversions and Obstructions to hinder and interrupt Proceedings of Parliament; all against the Parliament.

Your Lordships have had experience of this Truth this Parliament; a Succession of Designs upon it: First to awe it, and take away the Freedom of it by the Terror of an Army; then to bring Force against it, actually to assault it, and with the Sword cut in sunder this only Band, which ties and knits up King and People, the People among themselves, and the whole Frame of this Government in one firm, and I hope indissoluble Knot of Peace and Unity.

God diverted those Designs, did blow upon them: presently another is set upon which was to obstruct and hinder our Proceedings, that in the mean time the Flame of Rebellion might consume the Kingdom of *Ireland*; and Distempers, Distractions and Jealousies be fomented here at home, to tear out the Bowels of this Kingdom; the Parliament being disabled from helping it, by occasion of so many Diversions, so much Business cut out unto it; many Obstructions and Difficulties,



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culties, especially that great one, from which all the rest receive Countenance and Support, his Majesty absenting himself, not concurring with us, and so with-drawing both his Presence and Influence, by which means such Remedies could not be applied, as were necessary; and what was done was done with infinite Trouble to the Parliament, and excessive Charge to the Subject, double, treble, what otherwise would have served the turn: So the Subject is grieved and oppressed with Charge, and the Blame of all is laid upon the Parliament, and the Parliament unjustly said to be the Cause of all those Evils, which the Authors of them had made so great, and so confirmed and secured by the frequent Interruptions of the Parliament, that they could not suddenly nor easily be suppressed or removed.

Well, but by God's infinite Blessing, the Parliament was in a fair possibility to wade through this likewise; and though the Night had been black and stormy, some Day began to appear: Miraculously our Arms have prospered in *Ireland*, and, God be praised, the malevolent Practices of these Vipers at Home, as they appeared, were in some sort mastered; and the Parliament began to act and operate towards the settling of the great Affairs both of Church and State, and providing for the Defence and Safety of this Kingdom, against either Foreign Invasion, or any stirring of the disaffected Party among ourselves.

Then three ways are together assayed for the weakning and invalidating the Proceeding and Power of the Parliament, and making way for the utter subversion of it.

One Force is gathered together at *York*, under pretence of a Guard for his Majesty's Person, to make an Opposition against the Parliament, and by a strong Hand to support and protect Delinquents, so as no Order of Parliament can be obeyed, but on the other side is slighted and scorned, to make the Parliament of no Reputation, to be but *Imago Parliamenti*, a mere Shadow, without Substance, without Efficacy.

Another, to send out in his Majesty's Name, and as Declarations and Messages from him, bitter Invectives against the Parliament, to perplex it, and engage it in the expence of Time to answer them: And besides, cunningly to insinuate, and infuse into the People by false Colours and Glosses, a disopinion and dislike of the Parliament, and if it be possible, to stir up their Spirits to rise against it, to destroy it (and in it all other Parliaments) to the ruin of themselves, their Wives and Children.

The third Plot is, The Members are drawn away, and perswaded to forsake their Duty and Attendance here, and go down to *York*; thereby to blemish the Actions of both Houses, as done by a few and an inconsiderable number, and rather a Party than a Parliament; and perhaps, to raise and set up an Anti-Parliament there.

*My Lords*, This is now the great Design, whereby they hope, by little and little, the Parliament shall even bleed to death, and moulder to nothing, the Members dropping away one after another. A desperate and dangerous Practice, and as your Lordships well observed, (when you were pleased to communicate this Business to us) an effect of the Evil Counsels, now prevailing and tending to the dissolution of the Parliament; Of this *Parliament*, which under God must be the Preserver of three Kingdoms, and keep them firm and loyal to their King, subject to his Crown, save them from being turned into a Chaos of Disorder and Confusion, and made a dismal Spectacle of Misery and Desolation: This Parliament, which is the last Hope of the long oppressed, and in other Countries even almost wholly destroyed, Protestant Religion: This Parliament, which is the only Means to continue us to be a Nation of Free-men and not Slaves, to be Owners of any thing; that we may call our Wives, our Children, our Estates, nay our Bodies our own: In a word, which must stand in the Gap to prevent an Inlet and Inundation of all Misery and Confusion.

*My Lords*, This Parliament they desire to destroy: but I hope it will destroy the Destroyers, and be a Wall of Fire to consume them, as it is a Wall of Brass to us, to defend King and Kingdom, us, and all we have.

Your Lordships wisely foresaw this Mischief, and as wisely have endeavoured to prevent it, by making your Orders to keep your Members here, as that of the 9th of *April*, and several other Orders enjoining them all to attend; thereby restraining them from repairing to *York*, where the Clouds were observed to gather



ther so fast, and threaten a Storm, and such Preparations to be made against the Parliament, that it necessitated both Houses to pass a Vote, *That the King, seduced by wicked Counsel, intended to make War against the Parliament; and all who shall serve or assist in such Wars, are declared to be Traytors:* Which Vote past the 20th of May; so setting a Mark upon that Place, and their Opinion concerning those who should at this time resort thither.

Yet now in such a *Conjuncture* of Time, when the Kingdom had never more need of a Parliament, and the Parliament never more need of all the Help and Assistance of the best Endeavour and Advice of every Member, the Safety and even Being of the three Kingdoms depending upon it; after such Orders and Commands of your Lordship's House to the contrary, such a Vote of both Houses, and expressly against their Duty, being called thither by Writ under the Great Seal, which is the King's greatest and highest Command, and not controulable, nor to be dispensed with by any other Command from him whatsoever, and called to treat and consult *de arduis Regni*, the great urging and pressing Affairs of the Kingdom, never more urgent, never more pressing: Notwithstanding all this, these Lords, the Earls of Northampton, Devonshire, Dover, Monmouth, and the Lords Rich, Andover, Grey, Coventry and Capel, have left their Stations, withdrawn themselves, and are gone to York; and being summon'd to appear by an Order of the 30th of May, instead of Obedience, return a Refusal by a slighting and scornful Letter, which hath been so adjudged both by your Lordships and the House of Commons.

My Lords, the House of Commons hath likewise upon the Consideration and Debate of this Business, finding it so much to concern the Safety of the Kingdom, and the very Being of the Parliament, passed this Vote.

*That the departing of these nine Lords from the Parliament without Leave, after such time as both Houses had declared, That the King, seduced by wicked Counsel, intended to make War against the Parliament; and their still continuing at York, notwithstanding their Summons and Command, is a high Affront and Contempt of both Houses; and that the said Lords therein did as much as in them lay, that the Service of Parliament might be deserted, and are justly suspected to promote a War against the Parliament.*

And the House, in further Prosecution of their Duty in this Particular, and in pursuance of their Protestation, which obliges them to endeavour to bring to condign Punishment all such high Offenders against, not only the Privileges, but the very Essence of Parliament, have sent me up to impeach these Lords, and desire that speedy and exemplary Justice may be done upon them.

And accordingly, 'I do here in the Name of the Knights, Citizens and Burgeffes of the Commons House assembled in Parliament, and in the Name of all the Commons of England, impeach Spencer Earl of Northampton, William Earl of Devonshire, Henry Earl of Dover, Henry Earl of Monmouth, Charles Lord Howard of Charlton, Robert Lord Rich, Charles Lord Grey of Ruthen, Thomas Lord Coventry, and Arthur Lord Capel, for these high Crimes and Misdemeanours following, viz.

'For that, contrary to their Duty, they being Peers of the Realm, and summoned by Writ to attend the Parliament; and, contrary to an Order of the House of Peers of the 9th of April last, and several other Orders, requiring the Attendance of the Members of that House, and after a Vote past in both Houses the 20th of May last, *That the King, seduced by wicked Counsel, intended to make War against the Parliament, and that whosoever served or assisted him in that War, was adjudged a Traytor;* did notwithstanding afterwards in the same Month of May, contemptuously, having Notice of the said Votes and Orders, withdraw themselves from the said House of Peers, and repair to the City of York, where the Preparations of the said War were, and yet are in Contrivance and Agitation, they knowing of such Preparations: and being by an Order of the 30th of May duly summoned by the House of Peers to make their Appearance before that House upon the 8th day of June last past, they refused to appear, and returned a scornful Answer by a Letter under their Hands, directed to the Speaker of the Lords House, and remaining there upon Record.



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‘For which Crimes and Misdemeanours to the Interruption of the Proceedings of Parliament, and great Affairs of the Kingdom, and tending to the Dissolution of the Parliament, and Disturbance of the Peace of the Kingdom, I am commanded in the Name of the said Commons, to demand of your Lordships, That the said Lords may be forthwith put to their Answer, and receive speedy and exemplary Punishment, according to their Demerits.

‘The Commons saving to themselves Liberty at all times hereafter, to exhibit any other or further Impeachment or Accusation against the said Lords, or any of them.

[Upon this Impeachment they afterwards passed this Judgment, viz.]

*Die Mercurii, 20 Julii 1642.*

The Sentence  
against the  
Lords that  
went to York.

**T**HE Commons, with their Speaker, came this day to the Bar, and demanded Judgment in their own Names, and in the Names of all the Commons of England, against *Spencer Earl of Northampton, William Earl of Devonshire, Henry Earl of Dover, Henry Earl of Monmouth, Charles Lord Howard of Charlton, Robert Lord Rich, Charles Lord Grey of Ruthen, Thomas Lord Coventry, Arthur Lord Capel* (Members of this House) formerly impeached by them before the Lords in Parliament.

[At which time, the Lords being in their Robes, the Lord Kimbolton, Speaker *pro tempore*, pronounced the Sentence against the said nine Lords, viz.]

**W**HEREAS *Spencer Earl of Northampton, William Earl of Devonshire, Henry Earl of Dover, Henry Earl of Monmouth, Charles Lord Howard of Charlton, Robert Lord Rich, Charles Lord Grey of Ruthen, Thomas Lord Coventry, and Arthur Lord Capel*, were the 16th of June 1642. impeached by the Knights, Citizens and Burgesses of the House of Commons for these high Crimes and Misdemeanours following, viz. For that, contrary to their Duty, they being Peers of the Realm, and summoned by Writ to attend the Parliament; and contrary to an Order of the House of Peers of the 19th of April last, and several other Orders, requiring the Attendance of the Members of that House; and after a Vote passed in both Houses the 20th of May last, That the King, seduced by wicked Counsel, intended to make War against the Parliament, and that whosoever served or assisted him in that War, was adjudged a Traytor; did notwithstanding afterwards in the same Month of May contemptuously, having Notice of the said Votes and Orders, withdraw themselves from the said House of Peers, and repair to the City of York, where the Preparations of the said War were, and yet are in Contrivance and Agitation, they knowing of such Preparations: And being by an Order of the 30th of May duly summoned by the House of Peers to make their Appearance before that House upon the 8th Day of June last past, they refused to appear, and returned a slight and scornful Answer by a Letter under their Hands, directed to the Speaker of the Lords House, and remaining there upon Record. For which Crimes and Misdemeanours to the Interruption of the Proceedings of Parliament, and great Affairs of the Kingdom, and tending to the Dissolution of the Parliament, and Disturbance of the Peace of the Kingdom. The said Knights, Citizens and Burgesses do demand, That the said *Spencer Earl of Northampton, William Earl of Devonshire, Henry Earl of Dover, Henry Earl of Monmouth, Charles Lord Howard of Charlton, Robert Lord Rich, Charles Lord Grey of Ruthen, Thomas Lord Coventry, and Arthur Lord Capel*, should be put to their Answers, and receive exemplary Punishment, according to their Demerits. And whereas it was ordered upon the said 16th of June, That the said *Spencer Earl of Northampton, William Earl of Devonshire, Henry Earl of Dover, Henry Earl of Monmouth, Charles Lord Howard of Charlton, Robert Lord Rich, Charles Lord Grey of Ruthen, Thomas Lord Coventry, and Arthur Lord Capel*, should appear before the Lords in Parliament, and make their several Answers before their Lordships on Monday the 27th of the said June, to the said Impeachment, or else this House would proceed to Judgment against them by Default. And whereas the said *Spencer Earl of Northampton, William Earl*



‘ Earl of Devonshire, Henry Earl of Dover, Henry Earl of Monmouth, Charles Lord Howard of Charlton, Robert Lord Rich, Charles Lord Grey of Ruthen, Thomas Lord Coventry, and Arthur Lord Capel, in Contempt of this High Court, have refused to appear and make Answer to the said Impeachment.

‘ The Lords having taken the said Charge into their due Consideration, do find the said Spencer Earl of Northampton, William Earl of Devonshire, Henry Earl of Dover, Henry Earl of Monmouth, Charles Lord Howard of Charlton, Robert Lord Rich, Charles Lord Grey of Ruthen, Thomas Lord Coventry, Arthur Lord Capel, guilty of the Crimes charged as aforesaid. And thereupon, and for their said Contempt, this Court doth award and adjudge,

1. ‘ That Spencer Earl of Northampton, William Earl of Devonshire, Henry Earl of Dover, Henry Earl of Monmouth, Charles Lord Howard of Charlton, Robert Lord Rich, Charles Lord Grey of Ruthen, Thomas Lord Coventry, Arthur Lord Capel, shall not sit or vote in the Lords House during this present Parliament.

2. ‘ That they shall not enjoy the Privilege of Parliament as Members of Parliament.

3. ‘ That they shall stand committed to the Tower during the Pleasure of this House.

*Propositions and Orders by the Lords and Commons in Parliament, for bringing in of Money or Plate to maintain Horse, Men and Arms for the Preservation of the publick Peace, and for the Defence of the King and both Houses of Parliament.*

WHEREAS it appears that the King (seduced by wicked Counsel) intends to make War against his Parliament, and in pursuance thereof under a pretence of a Guard for his Person, hath actually begun to levy Forces both of Horse and Foot, and sent out Summons throughout the County of York, for the calling together of great Numbers; and some ill-affected Persons have been employed in other Parts to raise Troops under the colour of his Majesty's Service, making large Offers of Reward and Preferment to such as will come in; and that his Majesty doth with a high and forcible Hand protect and keep away Delinquents, not permitting them to make their Appearance to answer such Affronts and Injuries as have been by them offered to the Parliament; and those Messengers sent from the Houses for them, have been abused, beaten and imprisoned; so as the Orders of Parliament, which is the highest Court of Justice in this Realm, are not obeyed, and the Authority of it is altogether scorned and vilified; and such Persons as stand well-affected to it, and declare themselves sensible of these publick Calamities, and of the Violation of the Privileges of Parliament, and common Liberty of the Subject, are baffled and injured by several sorts of malignant Men who are about the King, some whereof, under the Name of Cavaliers, without having respect to the Laws of the Land, or any Fear either of God or Man, are ready to commit all manner of Outrage and Violence, which must needs tend to the Dissolution of this Government, the destroying of our Laws, Liberties and Property: All which will be exposed to the Malice and Violence of such desperate Persons as must be employed in so horrid and unnatural an Act as the overthrowing of a Parliament by force, which is the Support and Preservation of them. All which being duly considered by the Lords and Commons, and how great an Obligation lies upon them in Honour, Conscience and Duty, according to the high Trust reposed in them, to use all possible Means in such Cases for the timely prevention of so great and irrecoverable Evils, they have thought fit to publish their Sense and Apprehension of this imminent Danger, thereby to excite all well-affected Persons to contribute their best Assistance, according to their solemn Vow and Protestation, to the Preparations necessary for the opposing and suppressing of the traitorous Attempts of these wicked and malignant Counsellors, who seek to engage the King in so dangerous and destructive an Enterprize, and the whole Kingdom in a Civil War, and destroy the Privileges and Being of Parliaments. This Recourse to the good Affections of those that tender their Religion and just Liberties, and the Enjoyment of the blessed Fruits of this

The Parliament's Propositions for Money, Plate, &c.  
June 10. 1642.



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present Parliament, which were almost ready to be reaped, and are now as ready to be ruined by those wicked Hands, being the only Remedy left them under God, and without which they are no longer able to preserve themselves, or those by whom they are intrusted.

1. They the said Lords and Commons do declare, That whosoever shall bring in any Proportion of ready Money, or Plate, or shall underwrite to furnish and maintain any Number of Horse, Horse-men and Arms for the Preservation of the publick Peace, and for the Defence of the King and both Houses of Parliament from Force and Violence, and to uphold the Power and Privileges of Parliament, according to his Protestation, it shall be held a good and acceptable Service to the Commonwealth, and a Testimony of his good Affection to the Protestant Religion, the Laws, Liberties and Peace of this Kingdom, and to the Parliament and Privileges thereof.

And because a considerable Aid cannot be raised by few Hands, and the Condition of all Mens Estates and Occasions is not always proportionable to their Affections, the Lords and Commons do declare, That no Man's Affection shall be measured according to the Proportion of his Offer, so that he express his good Will to this Service in any Proportion whatsoever.

2. And it is further declared by the Lords and Commons in Parliament, That whosoever shall bring in any Money or Plate, or shall furnish and maintain any Horse, Horsemen and Arms for the purposes aforesaid, shall have their Money repaid with Interest, according to 8 *l. per Cent.* and the full Value of their Plate, with Consideration of the Fashion, not exceeding one Shilling by the Ounce, and shall have full Recompence for all their Charge in finding, furnishing and maintaining of Horse, Horsemen and Arms; and for this both Houses of Parliament do engage the publick Faith.

3. And it is ordered, That *John Wollaston* Knight, and Alderman *Tomes*, Alderman *Warner*, and Alderman *Andrews*, shall be Treasurers to receive all such Money and Plate as shall be brought in for the Purposes aforesaid, and the Acquittances of them, or any two of them, for the Receipt of the same, shall be a sufficient Ground for the Party so lending Money or Plate, to demand the same again with the Interest, and likewise Consideration for the Fashion of the Plate.

4. It is ordered, That \_\_\_\_\_ shall be Commissaries to value the Horse and Arms that shall be furnished for this Service; and that a Signification under the Hands of them, or any two of them, of such Values of the Horse and Arms, and of the time when they were first brought in, shall be a Warrant to demand Satisfaction according to the said Values; and they shall keep an Account of the time from their first Inrollment of any such Horse and Horsemen, that such as find and maintain them, may be repaid according to the Rate of 2 *s. 6 d. per diem* for so long time as they have maintained them in their Service: and the Commissioners are to attend at *Guild-Hall* for the receiving and enrolling of such Numbers of Horse as shall be brought in.

5. It is ordered, That whosoever shall bring in Money or Plate, or shall provide and maintain Horse, Horsemen and Arms for this Service, shall do according to their Duty therein. And the Lords and Commons do engage the Power and Authority of Parliament to save them harmless from all Prejudice and Inconvenience that may befall them by occasion thereof.

6. It is ordered, That the Members of either House who are present, shall be desired to declare in their Houses respectively what Money or Plate they will bring in, or what Horse, Horsemen and Arms they will find and maintain.

It is desired, That all such as have their Residence in or about *London*, or within eight Miles, will bring in their Money, Plate or Horse within a Fortnight after Notice; and they that dwell farther off, within three Weeks.

And because every Person may not be provided with present Money, or with Horse, or not have his Plate with him which he means to bring in, and yet resolves to contribute his Part within the time limited, and that it is necessary it should be presently known what the Provision will be for the effecting of this great and important Service: It is ordered, 1. That the Committees of either House appointed for that purpose respectively, shall receive the Subscriptions of such Members of each House, as have not declared themselves in the House, or are absent upon the publick Service, or for their private Occasions. 2. That the Committee of *London* intrusted with the *Militia*, shall receive the Sub-

scriptions



scriptions in *London* and *Middlesex*. And, 3. That some Persons nominated by the Knights and Burgesses of each County, and approved by both Houses, shall be appointed to receive the Subscriptions in the several Counties.

And lastly, it is declared, That whatsoever is brought in, shall not at all be employed upon any other Occasion, than to the Purposes aforesaid, which are to maintain the Protestant Religion, the King's Authority and his Person in his Royal Dignity, the free Course of Justice, the Laws of the Land, the Peace of the Kingdom, and the Privileges of Parliament, against any Force which shall oppose them; and this by the Direction of both Houses of Parliament.

*Two Letters sent from Amsterdam, and read in both Houses of Parliament, the 11th of June 1642. and ordered to be printed.*

*Amsterdam, June the 12th New-Style, that is, the 2d Old-Style.*

I Cannot learn that any Jewels more are pawned, than I have formerly expressed; neither of the Sale of any Jewels, save divers Collars of Pearl; part of the Proceed is remitted for *London*, a large Sum having been offered me by the Party above-mentioned; and I take the rest will be employed in warlike Munition, expressed in the inclosed Note which I had drawn out of the Original Commission, which Hand was well known to me. All must be speedily furnished; and, if for the presumed Service, it's not like the Distempers here will be appeased without shedding Blood, which God avert. I do purpose to lay wait in what Ships the said Munition will be laden; which shall be advised, if you do think fit to give any Notice hereof to the Parliament.

Discovery of  
Ammunition  
raised beyond  
Sea for the  
King.

I pray let my Name be concealed, (*pour éviter le titre d'espion*): although I do with Zeal and Ardour affect the good Cause, yet would I not willingly be seen in this manner. In writing hereof I understand, by an Eye-witness, that all the Jewels are brought here again to be pawned, and amongst them the great Collar of Rubies fetch'd from *Hamb.* Also the three Brethren, four or five very great Diamonds, with divers more, but no Money to be had thereupon in this Place, as the Party imployed therein doth tell me: So, it's like, some will be staked until the Munition for War shall be satisfied, whereof I have heard an Inkling. I did see Mr. *Webster* measuring or looking upon a Mortar to shoot Fire-balls of the Wideness or Breadth of the inclosed Thread, weighing 4800 Pounds; I hope *England* will have no need of such *tormenta bellica*, which I believe have not been used there in any Age. Mr. *J. W.* doth hasten exceedingly with all these things. The Pistols I understand are provided.

*The second Letter from Amsterdam, June the 12th New-Style, June the 2d Old-Style.*

*To John Beauchamp, Merchant of London.*

FOR the Cloth-Trade at present, I would advise you to write to him wholly not to buy in a Piece at present, although he pretends losing his Workmen, or the like. For losing his Workmen, I doubt at this time Money is not so rife in that Country, and Men so forward to buy; that I think I little fear, but that if he turns them off, or leaves buying, his Workmen will be glad to come again at more settled Times; and it may be he may sell better cheap. Therefore above all Excuses, as the State stands, write him absolutely not to take off any until further Advice; for if things go badly there, and come to Pillage or Destruction, you should have all the Cloth he had in the House to be reckoned to be your Cloth.

I fear a Storm to arise in the North, and I see it daily grow blacker and darker; for Store of Monies is made over to be sent thither, witness the rising of the Exchange here so suddenly; and at present here is Order to buy store of Pistols for Horsemen, and Powder, and near upon twenty Brass Pieces to be sent for the North Parts; but the Order is not from the Parliament.



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*A List of the Ammunition as followeth.*

|                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>F</b>our Pieces of Battery of 18 pound Bullet.<br/>         One Piece carrying 12 pound Bullet.<br/>         One Piece carrying 8 pound Bullet.<br/>         Two Culverins carrying 8 pound Bullet.<br/>         Six Field-pieces carrying 6 pound Bullet.<br/>         Two Mortar-pieces.<br/>         For Granadoes sixteen.<br/>         An hundred Barrels of Powder.</p> | <p>Carriages.<br/>         Two thousand Pistols ready furnished.<br/>         Harness for Draught-horses.<br/>         A thousand Carbines.<br/>         Three thousand Saddles.<br/>         Bullets, Ladders, Spunges.<br/>         The Mortar-pieces are a Foot and an half Diameter at the Mouth, Mettle and all, shooting Granadoes of 11 or 12 Inches.</p> |
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*A Note of the Arms sent for from Amsterdam.*

C. R.

|                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>T</b>wo hundred Fire-locks.<br/>         Four Pieces of Cannon for Battery, viz.<br/>         One Demi-Cannon.<br/>         Two whole Culverins.<br/>         Two Mortars.<br/>         Four Petards.<br/>         Ten Field-pieces of six pound Bullet mounted.</p> | <p>One hundred Barrels of Powder.<br/>         Round Shot and Case proportioned to the several Pieces.<br/>         Two thousand Pair of Pistols.<br/>         One thousand Carbines.<br/>         Three thousand Saddles.<br/>         Three thousand Musquets.<br/>         One thousand Pikes.</p> |
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*An Order of Parliament to stay all Arms and Ammunition going to the North.*

*Die Sabbati, 11 Junii 1642.*

**I**T is this Day ordered by the Lords in Parliament assembled, That a *strict Search* and Examination shall be made by the Justices of the Peace, Mayors, Bailiffs, Constables, and other his Majesty's Officers, inhabiting or near adjoining to all the *Northern Roads*, for the stopping and *staying* of all Arms, Ammunition, Powder, Light-horses, or Horses for Service in the Wars, and great Saddles that are or shall be carried toward the Northern Parts of England, but by the *Privy and Direction* of one or both of the Houses of Parliament; and that the said Officers shall stay them accordingly, and speedily give Information thereof unto one of the Houses of Parliament.

*Die Mercurii, 15 Junii 1642.*

**O**Rdered by the Lords in Parliament, That this Order shall be printed and published.

JOHN BROWNE, Cleric. Parl.

CHARLES R.

*To our Trusty and well-beloved, the Lord Mayor, Aldermen and Sheriffs of our City of London.*

**T**Rusty and well-beloved, we greet you well. Whereas we have received several Informations of great Sums of Money endeavoured to be borrowed of our City of London, by some Direction proceeding from both our Houses of Parliament; and likewise that great Labour is used to perswade our Subjects to raise Horse, and to furnish Money, upon pretence of providing a Guard for our Parliament: These are to let you know, that (notwithstanding any scandalous Votes which have presumed to declare our Intention of le-

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' vying War against our Parliament, and to lay other Aspersions on us, so fully  
 ' disavowed by us in the presence of Almighty God, by our several Answers  
 ' and Declarations) all our Desires and Purposes are for the publick Peace, and  
 ' that we have not the least Thought of raising or using Force, except we are  
 ' compelled to it for the Defence of our Person, and in Protection of the Law:  
 ' And therefore you must expect, that you suffer not your selves to be misled by  
 ' such vain and improbable Suggestions; and do declare, That if you shall lend  
 ' any Sums of Money towards the Relief of *Ireland*, (to which we have contri-  
 ' buted all the Assistance could be desired of us, which way soever the Money  
 ' given and raised to that purpose, is disposed) or towards the Payment of our  
 ' *Scots* Subjects, we shall take it as an acceptable Service at your Hands; but  
 ' if upon general Pretences contrived by a few factious Persons against the Peace  
 ' of the Kingdom, you shall give or lend any Money, or provide or raise any  
 ' Horses or Arms towards the raising such a Guard, we shall look upon it as  
 ' raising Force against us, and to be done in Malice and Contempt of us and  
 ' our Authority. And we do therefore straitly charge and command you to  
 ' publish this our Letter to the several Masters and Wardens of the several  
 ' Companies, that they may be assured, that such Money as they shall lend out  
 ' of their good Affection to the Kingdom, may be only employed for *Ireland* or  
 ' *Scotland*, and not toward such Guards, which (in truth) are intended by the  
 ' Contrivers of that Design, (though we believe many honest Men seduced by  
 ' them do not yet see their End) to be employed against us: And if you and  
 ' they shall herein fail punctually and severally to observe our Commands, we  
 ' shall not only proceed against the several Companies for deceiving the Trust  
 ' reposed in them, but against the particular Persons, as Contemners and Oppo-  
 ' sers of our Authority, and of the Law of the Land, in the most exemplary  
 ' way the known Law of the Land shall prescribe to us; and shall be compelled  
 ' to question the Charter of your City, which we are willing yet to believe  
 ' (notwithstanding the barbarous and insolent Demeanour of the meaner and  
 ' baser sort) in a good degree to continue loyal to us. And of your Obedience  
 ' to these our Commands, we do expect and require a full Account; and of  
 ' the Names of such Persons who shall oppose the same. Hereof fail not, as  
 ' you will answer the contrary at your Peril.

' Given at our Court at *York* the fourteenth Day of *June*, in the eighteenth  
 ' Year of our Reign, 1642.

*A Declaration of the Lords and Commons concerning a Paper directed by his  
 Majesty to the Lord Mayor and Sheriffs of London, dated June the  
 14th 1642.*

**W** Hereas in a Paper inscribed, *To our Trusty and Well-beloved the Lord  
 Mayor, Aldermen and Sheriffs of the City of London*, dated the 14th of  
*June 1642.* it is affirmed, That great Labour is used to perswade his Majesty's  
 Subjects to raise Horse, and to furnish Money upon pretence of a Guard for  
 the Parliament, but in truth, to be employed against his Majesty; the Lords and  
 Commons do declare, That the Design of those Propositions is, as was former-  
 ly declared, to maintain the Protestant Religion, the King's Authority and  
 Person in his Royal Dignity, the free Course of Justice, the Laws of the Land, the  
 Peace of the Kingdom, and Privileges of Parliament, against any Force which  
 shall oppose them. And they do further declare, That as the Forces already at-  
 tending his Majesty, and the Preparation which his Majesty is now making  
 of Arms, Horse and Ordnance, within his Kingdom and without, at first co-  
 loured under pretence of a Guard, do evidently appear to be for some great and  
 extraordinary Design, so they give just Cause of Fear and Jealousy to the Parlia-  
 ment; and do fully justify those Votes, of the King's Intention of levying War  
 against the Parliament, to be altogether free from any Imputation of Scandal, as  
 is injuriously cast upon them by that Paper: For so long as his Majesty shall con-  
 tinue those Levies and Preparations, the Lords and Commons having been so  
 often threatned and reviled for their Proceedings about *Hull* and the Militia, so  
 necessarily undertaken for the Good and Peace of the Kingdom, they cannot be  
 secured by his Majesty's solemn Protestation alone, expressed in this and other  
 Decla-

Parliament's  
 Declaration  
 touching the  
 King's Message  
 to the Mayor,  
 &c. June 21.



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\* See this Declaration in our Chapter concerning Passages at York.

Declarations, that all his Desires and Purposes are for the publick Peace, and that he hath not the least Thought of using Force, except he be compelled to it for the Defence of his Person, and Protection of the Laws, seeing his Majesty in a Declaration \* published at *Heworth-Moor*, doth interpret the Protection of the Laws in such a manner, as giveth just and full Occasion to believe, that by protecting the Laws, his Majesty intendeth Force upon or against those who shall submit to the Ordinance of the *Militia*. And because it appears by divers Expressions and Proceedings of his Majesty, he hath discovered an Intention of making some Attempt upon *Hull*: In both which Cases they do declare, That whatsoever Violence shall be used either against those that exercise the *Militia*, or against *Hull*, they cannot but believe it as done against the Parliament.

And whereas the Houses have upon Loan received great Sums of Money for the Service of *Ireland* from the Companies of *London*, (for which they give them great and hearty Thanks) they do declare, That these Sums shall be dispended as the former have been to that only Service, notwithstanding an Insinuation laying an Aspersions upon them, as if they had done otherwise. Further, Whereas it is declared, to the great Reproach of the Parliament, That the Sums desired towards the raising of Horse and Arms, are contrived upon general Pretences by some few factious Persons, we leave it to the World to judge how it is possible the Houses should have all their Members, seeing divers of them are by his Majesty summoned to *York*, and there, contrary to the Law of the Land, and Privileges of Parliament, detained, nay, protected from the Justice of both Houses.

And, secondly, how can that possibly be called a Faction, which is done by both Houses of Parliament, the greatest Court of *England*, and the most faithful Counsel his Majesty hath? But at such Language as this they wonder not, considering by what wicked Counsel his Majesty's Affairs are guided, and by what malignant Spirits his Majesty's Affections to the Parliament of late have been misled.

Both Houses well weighing the Premises, do forbid any Mayors, Sheriffs, Bailiffs, or other Officers whatsoever, to publish or spread that Paper, as they will answer their Contempt to the Parliament; and do assure themselves that neither his Majesty's Commands, nor his Threats will withdraw or deter Men well-affected to the Publick, from doing their Duty, in contributing such Money, Horse and Plate, as will be necessary for the preserving of the Being of the Parliament, the Peace of the Kingdom, and those other Ends before-mentioned, for which they are desired. The dangerous and mischievous Intentions of some about his Majesty being such, that whatsoever is most precious to Men of Conscience and Honour, as Religion, Liberty and publick Safety, are like to be overwhelm'd and lost in the general Confusion and Calamity of the Kingdom; which will not only question, but overthrow the *Charter* of the City of *London*, expose the Citizens, their Wives and Children, to Violence and Villany, and leave the Wealth of that City as a Prey to those desperate and necessitous Persons.

The Lords and Commons, as they hope by this means those horrid Mischiefs may be prevented; so those of the City which contribute hereunto (whereof none are so mean and base, as to deserve the Reproaches cast on them by that Paper.) And all his Majesty's good Subjects may be assured, that in doing their Duty herein, they shall be protected and secured in their Persons, Liberties and Estates, by the Power and Authority of both Houses of Parliament, according to their former Engagements, which they will ever faithfully perform.

His Majesty's Answer to a printed Paper, Intituled, *A new Declaration of the Lords and Commons in Parliament, of the 21st of June 1642. in Answer to his Majesty's Letter, dated the 14th of June, and sent to the Lord Mayor, Aldermen and Sheriffs of the City of London.*

The King's Answer to the last Declaration.

IT seems by a new Declaration of the 21st of June, in Answer to our Letter of the 14th of the same Month to the Lord Mayor of *London*, that the Lords and Commons in Parliament have much more leisure than they pretend, or



or that those Persons whom we have before described in our former Answers and Declarations, and of whom only we would be understood to speak, think such Declarations and Votes to be such irresistible Engines of Battery against us and the Law, that no Strength can oppose them. And therefore tho they will take notice from whence that Letter came, they will vouchsafe it no other Mention, but of a Paper (as if found by chance) inscribed, *To our Trusty and Well-beloved, &c.* And it is wonder, that since they have usurped the Supreme Power to themselves, they have not taken upon them the Supreme Stile too, and directed this very new Declaration, To their trusty and well-beloved their Subjects of the City of *London*; for it is too great and palpable a Scorn to persuade them to take up Arms against our Person, under a colour of being loving Subjects to our Office and to destroy Us, that they may preserve the King.

They are offended that we should believe, that their end of persuading our Subjects to raise Horse, and to furnish Money upon pretence of a Guard for the Parliament, is in truth to imploy those Horse, Men and Money against us; let the Reasons of our Belief be never so strong, and their Actions never so evident to compel all other Men to believe so too. The Lords and Commons do declare, (think what you will, and see what you can) that the design of those Propositions for raising Men, Horse and Money, is to maintain the Protestant Religion, the King's Authority and Person in his Royal Dignity, the free course of Justice, the Laws of the Land, the Peace of the Kingdom, and Privileges of Parliament, against any Force which shall oppose them: and this is all Men are bound to believe, tho they see the Protestant Religion, and the Professors thereof miserably reproached, and in danger of being destroyed by a vicious and malignant Party of *Brownists, Anabaptists*, and other Sectaries (the Principal Ring-leaders of whom have too great a Power even with some Members in both our Houses of Parliament) our Authority despised, and in as much as in them lies, taken from us, reviled in Pulpit and Presses by Persons immediately in their Protection, and of their Recommendation, and our Person driven away by Tumults and rude Multitudes, against whom we can have no Justice; the course of Justice interrupted and stopped by Orders and Injunctions, never heard of till this Parliament; the Laws of the Land trampled under foot and frustrated, and new Laws attempted to be made and imposed upon our Subjects, without and against our Consent; the Peace of the Kingdom shaken and frightened away by discountenancing the Laws, absolving (as much as in them lies) the People from the Rules of Government and Obedience, and even declaring a War against us and the Laws of the Land. And lastly, the Privileges of Parliament so far extended, as if to the bare sound of Privilege of Parliament, the Liberty and Property of the Subject, the Dignity and Certainty of the Law were in such Subjection, as they may first make what Orders they please, and in what cases they please; and whosoever disputes those Orders, and submits not to those Votes, breaks their Privileges; and whosoever breaks their Privileges is an Enemy to the Commonwealth, and worthy of such other Attributes (either of favouring the Rebellion in *Ireland*, or advancing the War here) as are most likely to render that Person suspected or odious to the People. If in truth this be evidently and demonstrably the case, such Declarations will no more gain Credit with, or longer mislead our Subjects, than if they should tell them, that we are personally with them in *London*, when all Men see us here at *York*.

As they have declared, (the best Argument or Evidence you are to look for) that all that they do is lawful, because they do it; so they proceed by the same Power to assure those who are apt to be deceived by them, that the Force already attending us (they would certainly do otherwise if they did really believe such Force to be about us) and the Preparation we are making, do evidently appear to be intended for some great and extraordinary Design, and do justify their former Votes of our Intention of levying War against our Parliament, and they have at last given some reason for that Vote and Declaration. They find by our several Declarations, that We intend Force against those who shall submit to the Ordinance of the *Militia*, and that we intend to make an Attempt upon *Hull*; in both which cases they are pleased to declare, that whatsoever Violence shall be used either against those who ex-



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ercise this *Militia*, or against *Hull*, they cannot but take it as done against the Parliament. We are beholden to them that they have explained to all our good Subjects the meaning of their Charge against us, that by our Intention of making War against our Parliament, no more is pretended to be meant but our Resolution not to submit to the high Injustice and Indignity of the Ordinance, and the business of *Hull*. We have never concealed our Intentions in either of those Particulars (we wish they would deal as clearly with us) but have always and do now declare, That that pretended Ordinance is against the Law of the Land, against the Liberty and Property of the Subject, destructive to Sovereignty, and therefore not consistent with the very Constitution and Essence of the Kingdom, and to the Right and Privilege of Parliament; that we are bound by our Oath (and all our Subjects are bound by theirs of Allegiance and Supremacy, and their own Protestation lately taken to assist us) to oppose that Ordinance which is put already in Execution against us, not only by training and arming our Subjects, but by forcibly removing the Magazines from the Places trusted by the Counties to their own Houses, and guarding it there with armed Men: whither it will be next removed, and how used by such Persons, we know not.

That the keeping us out of *Hull* by Sir *John Hotham*, was an Act of High-Treason against us, and the taking away our Magazine and Munition from us, was an Act of Violence upon us (by what Hands, or by whose Direction soever it was done) and in both cases, by the help of God and the Law, we will have Justice, or lose our Life in requiring it, the which we do not value at that rate as to preserve it with the Infamy of suffering our self to be robbed and spoiled of that Dignity we were born to. And if it be possible for our good Subjects to believe that such a Defence of our Self, with the utmost Power and Strength we can raise, is making a War against the Parliament, we do not doubt (however it shall please God to dispose of us in that Contention) but the Justice of our Cause will at the last prevail against those few malignant Spirits, who for their own Ends and ambitious Designs have so misled and corrupted the Understandings of our People; and that both our Houses of Parliament will in short time discern by their own Observation, and the Information we shall speedily give them, how near this flourishing Kingdom is brought to Ruin and Confusion by these Persons.

And since neither our Declaration, nor the Testimony of so many of our Lords now with us, can procure Credit with these Men, but that they proceed to levy Horse, and to raise Money and Arms against us, we are not to be blamed, if after so many gracious Expostulations with them upon undeniable Principles of Law and Reason, which they answer only by voting that which we say, to be neither Law nor Reason, and so proceed actually to levy War upon us, to justify that which cannot be any otherwise defended; at last we make such Provision, that as we have been driven from *London*, and kept from *Hull*, we may not be surprized at *York*, but in a condition to resist, and bring to Justice those Men who would persuade our People, that their Religion is in danger, because we will not consent it shall be in their Power to alter it by their Votes; or their Liberty in danger, because we will allow no Judg of that Liberty but the known Law of the Land. Yet whatsoever Provision we shall be compelled to make for our Security, we will be ready to lay down as soon as they shall have revoked the Orders by which they have made Levies, and submit those Persons who have detained our Towns, carried away our Arms, and put the *Militia* in Execution, contrary to our Proclamation, to that Trial of their Innocence the Law directs, and to which they were born. If this be not submitted to, we shall with as good a Conscience (and we believe we shall not want the Affections of our good Subjects to that end) proceed against those who shall presume to exercise that pretended Ordinance for the *Militia*, and the other who keep our Town of *Hull* from us, as we would resist Persons who came to take away our Life, or our Crown from us, and therefore we shall again remember and require our City of *London* to obey our former Commands, and not to be misled by the Orations of these Men (who are made desperate by their Fortunes, or their Fortunes by them) who tell them their Religion, Liberty and Property is to be preserved no other way but by their Disloyalty to us; that they are now

at



at the Brink of the River, and may draw their Swords when nothing pursues them but their own evil Consciences: Let them examine what excellent Fruits of Religion the Lives of those Men have brought forth, and what great Advancers they have been of the publick Liberty and Property: How long they have had those Opinions they would ruin them to defend, and how they came to those Opinions. Let them consider whether their Estates come to them, and are settled upon them by Order of both Houses, or by that Law which we defend? What Security they can have to enjoy their Own, when they have helped to rob us? And what a happy Conclusion that War is like to have, which is raised to oppress their Sovereign. That the Wealth and Glory of their City, is not like to be destroyed any other way, but (and that way inevitably it must) by rebelling against us: Nor their Wives and Children to be exposed to Violence and Villany, but by those who make their Appetite and Will the Measure and Guide to all their Actions. Let them not fancy to themselves melancholick Apprehensions, which are capable of no Satisfaction; but let them seriously consider what Security they can have that they have not under us, or have been offered by us. And whether the Doctrine these Men teach, and would have them defend, doth not destroy the Foundations upon which their Security is built.

And we do lastly declare again, and publish to all the World, That we shall proceed against all Persons whatsoever that shall assist those Levies, by furnishing of Horse, Money and Plate, as against the Disturbers of the publick Peace, and the Authors of those Distractions which threaten the Ruin of us and this Kingdom.

*An Order to suppress Force, coming out of one County into another.*

*Die Luna 4 Julii 1642.*

IT is this day resolved upon the Question, by the Lords and Commons assembled in Parliament, That in case any Force be brought out of one County into any other County of this Kingdom, to disturb the Peace thereof, That the Lord-Lieutenants and Deputy-Lieutenants of the Counties adjoining, upon notice given unto them of such Disturbance by the Lord-Lieutenant, or Deputy-Lieutenants where such Disturbance is made, be hereby required to give Aid and Assistance to the said other Lord-Lieutenants, and Deputy-Lieutenants, or any of them, so requiring the same for the present suppressing of such Force and disturbances of the Peace, by Voluntiers, and such of the Trained-Bands of their several Counties, that shall voluntarily go to give their Assistance.

HEN. ELSING Cler. Parl. Dom. Com.

*A Declaration of the Lords and Commons assembled in Parliament, concerning the publishing of divers Proclamations and Papers, in Forms of Proclamations, in his Majesty's Name.*

WHEREAS several Proclamations, Declarations, and Papers in Forms of Proclamations, have issued out, in his Majesty's Name, commanding Parsons, Vicars, Curates, Sheriffs, Mayors, Bailiffs and other Officers, to publish and proclaim the same, being contrary to Law, and to divers Orders, Ordinances and Declarations of both Houses of Parliament, and much to the scandal and derogation of both the said Houses;

Be it ordered and declared by the Lords and Commons in Parliament, That no Sheriff, Mayor, Bailiff, Parson, Vicar, Curate, or other Officer, shall from henceforth Publish or Proclaim, or cause to be proclaimed or published, any such Proclamations, Declarations or Papers, which are or shall be contrary to any Order, Ordinance, or Declarations of the said Houses of Parliament, or tending to the Scandal or Derogation of their Proceedings, but shall use all lawful Ways and Means to restrain and hinder the Proclaiming and Publishing thereof. And all Sheriffs, Mayors, Bailiffs, Parsons, Vicars and Curates, or

Against publishing the King's Proclamations, and Papers in the King's Name.



An. 1642.

other Officers that have forborn or refused, or shall forbear or refuse to publish or proclaim any such Proclamations, Declarations or Papers as aforesaid, or have or shall hinder the Publication thereof, shall be protected by the Power and Authority of both Houses of Parliament.

Ordered by the Commons in Parliament, That this be forthwith printed and published.

HEN. ELSING Cler. Parl. Dom. Com.

*A Letter from the Earl of Warwick Admiral of the Sea, to John Pym Esq; and presented to both Houses of Parliament, July 6. 1642.*

Mr. Pym;

Earl of Warwick's Letter upon the Kings sending to discharge him the Command of the Fleet.

**B**Efore these shall come to your Hand, I make no doubt but Mr. Nicholls of the House of Commons hath made both Houses a Relation of what hath passed here, since I received his Majesty's Letters for the discharging me of the Command of the Fleet wherewith I was intrusted: How I called a Council of War, and acquainted them with his Majesty's Letters, and likewise with the Ordinance of Parliament, sent from the Houses for me to continue my Charge. I confess it was a great Streight that I was in, between two Commands that have so much Power over me: But when I consider the great Care which I have ever observed in the Parliaments of this Kingdom, for the Good and Safety of the King and Kingdom, and every Man's particular in them; and that they are that great Council, by whose Authority the Kings of *England* have ever spoken to their Subjects; and likewise, that the Trust of his Fleet for the Defence of his Majesty and the Kingdoms was committed to me by them; and knowing the Integrity of my own Heart to his Majesty and Parliament, I resolved not to desert that Charge committed to my Trust, wherein God (blessed be his Name for it) hath made me hitherto so successful, but to continue it until I shall be revoked by that Authority that hath entrusted me with it; which having declared to my Captains at the Council of War, all of them unanimously and chearfully took the same Resolution, excepting five, which was the Rear Admiral, Captain *Fogge*, Capt. *Barley*, Capt. *Slingsby*, and Capt. *Wake*; all which five refused to come upon my Summons, as having no Authority over them, and got together round that Night to make their Defence against me; only Capt. *Barley* came in and submitted to me; whereupon in the Morning I weighed my Anchors, and caused the rest of my Ships so to do, and came to an Anchor round about them, and besieged them: And when I had made all things ready, I summoned them; Sir *John Mennes* and Capt. *Fogge* came in to me, but Capt. *Slingsby* and Capt. *Wake* stood out: whereupon I let fly a Gun over them, and sent them word I had turned up the Glass upon them; if in that space they came not in, they must look for me aboard them: I sent to them by my Boat, and most of the Boats in the Fleet; their Answer was so peremptory, that my Masters and Saylor's grew so impatient on them, that altho they had no Arms in their Boats at all, yet God gave them such Courage and Resolution, as in a moment they entred them, took hold of their Shrouds, and seized upon these Captains, being armed with their Pistols and Swords, and struck their Yards and Top-masts, and brought them both in to me: The like Courage and Resolution was never seen amongst unarmed Men, so as all was ended without effusion of Blood, which I must attribute to the great God of Heaven and Earth only, who in the moment that I was ready to give Fire on them, put such Courage into our Men to act it, and so saved much Blood.

I hope the Parliament will think of some course for all our Indemnities, and especially the Officers of the Navy, and principally for the Surveyor of the Navy, my Vice-Admiral, a very able and good Man: for my self, I doubt not but they that put me in this Employment, will preserve me for serving them faithfully.

I pray you, Sir, be a means to Sir *Robert Pye* and Mr. *Green*, that some Money may be sent us, for it hath been often promised, but we hear not of it, the Weather continuing stormy so long together, that we spend our Masts and Top-masts, or some detriment or other falls upon us daily, so that we are in great Extremity for want of Money.



Thus having nothing else to trouble you for the present, only that you will be pleased to acquaint your House of Commons with our Proceedings here, I bid you farewell, and rest,

18 Car.

*From aboard his Majesty's Ship  
the James on the Downs, this  
4th of July, 1642.*

Your assured Friend to serve you,

WARWICK.

*Die Mercurii 6 Julii, 1642.*

Ordered by the Lords in Parliament, that this Letter be forthwith printed and published.

J. O. BROWN, Cleric. Parliamentorum.

*A Speech by Sir Benjamin Rudyard, in the House of Commons, July the 9th, 1642. concerning a War.*

*Mr. Speaker,*

IN the way we are, we have gone as far as words can carry us : we have voted our own Rights and the King's Duty. No doubt there is a relative Duty between King and Subjects, *Obedience* from a Subject to a King, *Protection* from a King to his People. The present unhappy distance between his Majesty and the Parliament, makes the whole Kingdom stand amazed, in a fearful Expectation of dismal Calamities to fall upon it ; it deeply and conscionably concerns this House, to compose and settle these threatening ruining Distractions.

*Mr. Speaker,* I am touched, I am pierced, with an apprehension of the Honour of the House, and Success of this Parliament. The best way to give a stop to these desperate imminent Mischiefs, is to make a fair way for the King's return hither ; it will likewise give best satisfaction to the People, and will be our best Justification.

*Mr. Speaker,* That we may the better consider the Condition we are now in, let us set our selves three Years back : If any Man then could have credibly told us, that within three Years the Queen shall be gone out of *England* into the *Low-Countries*, for any Cause whatsoever ; the King shall remove from his Parliament, from *London* to *York*, declaring himself not to be safe here ; that there shall be a total Rebellion in *Ireland*, such Discords and Distempers both in Church and State here, as now we find, certainly we should have trembled at the thought of it : wherefore it is fit we should be sensible now we are in it. On the other side ; If any Man then could have credibly told us, that within three Years we shall have a *Parliament*, it would have been good News ; that *Ship-money* should be taken away by Act of Parliament, the Reasons and Grounds of it so rooted out, as that neither it, nor any thing like it, can ever grow up again ; that *Monopolies*, the *High-Commission Court*, the *Star-Chamber*, the *Bishops Votes* shall be taken away, the *Council-Table* regulated and restrained, the *Forests* bounded and limited ; that we should have *Triennial Parliaments* ; and more than that, a perpetual Parliament, which none shall have Power to dissolve without your selves ; we should have thought this a *Dream of Happiness* : yet now we are in the real Possession of it, we do not enjoy it, altho his Majesty hath promised and published he will make all this good to us. We stand chiefly upon further Security ; whereas the very having of these Things, is a convenient fair Security, mutually securing one another. There is more security offered, even in this last Answer of the King's, by removing the personal Votes of Popish Lords, by the better Education of Papists Children, by supplying the Defects of Laws against Recusants ; besides what else may be enlarged and improved by a select Committee of both Houses named for that purpose. Wherefore, *Sir*, let us beware we do not contend for such a hazardous unsafe Security, as may endanger the loss of what we have already. Let us not think we have nothing, because we have not all we desire ; and tho we had, yet we cannot make a Mathematical Security, all humane Caution is susceptible of Corruption and Failing ; God's Providence will not be bound, Success must be his : He



An. 1642.

He that observes the Wind and Rain, shall neither sow nor reap; if he do nothing till he can secure the Weather, he will have but an ill Harvest.

Mr. Speaker, It now behoves us to call up all the Wisdom we have about us, for we are at the very brink of Combustion and Confusion: If Blood begins once to touch Blood, we shall presently fall into a *certain Misery*, and must attend an *uncertain Success*, God knows when, and God knows what; every Man here is bound in Conscience to employ his uttermost Endeavours to prevent the effusion of Blood: Blood is a crying Sin, it pollutes a Land; let us save our *Liberties*, and our *Estates*, as we may save our *Souls* too. Now I have clearly delivered my own Conscience, I leave every Man freely to his.

[The Parliament now having thoughts of raising an Army; upon the Debate thereof, one of the Members declared his Opinion in these words.]

Mr. Speaker,

Mr. Whitlock's  
Speech con-  
cerning a War,

THE Question which was last propounded about raising of Forces, naming a General, and Officers of an Army, hath been very rare before this time in this Assembly; and it seems to me to set us at the Pit's Brink, ready to plunge our selves into an Ocean of Troubles and Miseries, and (if it could be) into more than a Civil War brings with it.

Give me leave, Sir, to consider this unhappy Subject, in the Beginning, Progress and Issue of it.

Cesar tells us, (and he knew as much of Civil War as any Man before him) that it cannot be begun *sine malis artibus*.

Surely, Sir, our Enemies, of the Popish Church, have left no evil Arts un-essay'd to bring us to our present Posture, and will yet leave none unattempted to make our Breaches wider, well knowing that nothing will more advance their Empire than our Divisions.

Our Misery, whom they account *Hereticks*, is their Joy, and our Distractions will be their *Glory*, and all evil Arts and Ways to bring Calamities upon us, they will esteem *meritorious*.

But, Sir, I look upon another beginning of our Civil War; God blessed us with a long and flourishing Peace, and we turned his Grace into *Wantonness*, and Peace would not satisfy us without Luxury, nor our Plenty without Debauchery; instead of Sobriety and Thankfulness for our Mercies, we provoked the Giver of them by our Sins and Wickedness, to punish us (as we may fear) by a Civil War, to make us Executioners of Divine Vengeance upon our selves.

It is strange to note how we have insensibly slid into this beginning of a Civil War, by one unexpected Accident after another, as Waves of the Sea, which hath brought us thus far, and we scarce know *how*, but from Paper Combates, by *Declarations, Remonstrances, Protestations, Votes, Messages, Answers and Replies*. We are now come to the Question of raising Forces, naming a General and Officers of our Army.

But what, Sir, may be the Progress hereof, the Poet tells you;

*Jusq; datum sceleri canimus, populumq; potentem  
In sua victrici conversum viscera dextra.*

We must surrender up our Laws, Liberties, Properties and Lives, into the Hands of insolent *Mercenaries*, whose Rage and Violence will command us and all we have, and Reason, Honour and Justice will leave our Land, the *Ignoble* will rule the Noble, and *Baseness* will be preferred before Virtue, *Prophaneness* before Piety.

Of a potent People we shall make our selves *weak*, and be the Instruments of our own Ruin; *Perditio tua ex te*, will be said to us: we shall burn our own Houses, lay waste our own Fields, pillage our own Goods, open our own Veins, and eat out our own Bowels.

You will hear other Sounds besides those of *Drums and Trumpets*, the clattering of Armour, the roaring of Guns, the *groans* of wounded and dying Men,



Men, the shrieks of *deflowred* Women, the cries of Widows and Orphans, and all on your Account, which makes it the more to be lamented.

Pardon, Sir, the warmth of my Expression on this Argument, it is to prevent a *Flame* which I see kindled in the midst of us, that may consume us to Ashes. The Sum of the Progress of Civil War, is the rage of *Fire* and *Sword*, and (which is worse) of *brutish Men*.

What the Issue of it will be, no Man alive can tell: Probably few of us now here may live to see the End of it. It hath been said, That *he that draws his Sword against his Prince, must throw away the Scabbard*. Those Differences are scarce to be reconciled: These Commotions are like the deep Seas, which being once stirred, are not soon appeased.

I wish the Observation of the Duke *de Rohan*, in his *Interest of Christendom*, may prove a Caution, not a Prophecy; he saith of *England*, That it is a great Creature, which cannot be destroyed but by its own Hand. And there is not a more likely Hand than that of Civil War to do it.

The Issue of all War, is like a cast at Dice, none can tell upon what Square the *Alea Belli* will light; the best Issue that can be expected of a Civil War, is, *ubi victor flet, & victus perit*. Which of these will be our Portion, is uncertain, and the choice would be avoided.

Yet, Sir, when I have said this, I am not for a lame Resignation of our Religion, Lives and Liberties into the Hands of our Adversaries, who seek to devour us; nor do I think it inconsistent with your great Wisdom, to prepare for a just and necessary Defence of them.

It was truly observed by a Noble Gentleman, That if our Enemies find us provided to resist their Attempts upon us, it will be the likeliest way to bring them to an Accord with us. And upon this Ground I am for the Question.

But I humbly move you to consider, whether it be not yet too soon to come to it? We have tried by the Proposals of Peace to his Majesty, and they have been rejected: Let us try yet again, and appoint a Committee, who may review our former Propositions.

And where they find the Matter of them (as our Affairs now are) fit to be altered, that they present the Alterations to the House, and their Opinions; and that as far as may stand with the Security of us and our Cause, we may yield our Endeavours to prevent the Miseries which look black upon us, and to settle a good Accommodation, so that there may be no Strife between us and those of the other Party, for we are Brethren.

[After great Debates, the following Votes passed.]

Die Martis 12 Julii, 1642.

**R**esolved upon the Question, That an Army shall be forthwith raised for the Safety of the King's Person, Defence of both Houses of Parliament, and of those who have obeyed their Orders and Commands, and preserving of the true Religion, the Laws, Liberty and Peace of the Kingdom.

Resolved upon the Question, That the Earl of *Essex* shall be General.

Resolved upon the Question, That this House doth declare, That in this Cause, for the Safety of the King's Person, defence of both Houses of Parliament, and of those who have obeyed their Orders and Commands, and preserving of the true Religion, the Laws, Liberty and Peace of the Kingdom, they will live and die with the Earl of *Essex* whom they have nominated General in this Cause.

Resolved upon the Question, That a Petition shall be framed, to move his Majesty to a good Accord with his Parliament to prevent a Civil War.

[The Petition being drawn, was agreed upon the Question, and with these Votes was presented unto the Lords; who returned answer, *They did concur with the House of Commons* in omnibus.

Whereupon both Houses ordered, That the Earl of *Holland*, Sir *John Holland*, and Sir *Philip Stapleton*, should forthwith repair to *Beverly*, and present the Petition unto his Majesty.

The Votes for raising an Army.

*Essex* to be General.

A Petition to his Majesty to prevent a Civil War.



An. 1642.

The Message of the 11th of July came to the House of Peers, after this Petition was agreed on: which being so full an Answer thereunto, both Houses resolved to give no other Answer to that Message but the said Petition. *See this Message from the King of the 11th of July, and this Petition of the two Houses, with his Majesty's Answer, and their Reply, in the Chapter of Hull.*

Subscriptions  
to be brought  
in.

*Resolved upon the Question, July 14. 1642. That all the Members of this House that have subscribed for the bringing in of Horse, Money or Plate, do bring in the same by Tuesday next, and that a Report be made then to the House who are defective herein.*

Bedford Gene-  
ral of the  
Horse.

*Resolved upon the Question, That the Earl of Bedford shall be General of the Horse.*

*A Declaration of the Lords and Commons now assembled in Parliament, concerning the miserable Distractions and Grievances this Kingdom now lieth under, by means of Jesuitical and wicked Counsellors now about his Majesty.*

**I**T cannot be unknown to the World, how powerful and active the wicked Counsellors about his Majesty have been, both before and since this Parliament, in seeking to destroy and extinguish the true Protestant Religion, the Liberty and Laws of the Kingdom; and that after many traiterous Endeavours against the Parliament, by God's Providence discovered and frustrated, they drew his Majesty into the Northern Parts, and in his Name did publish divers false Scandals and ignominious Reproaches against the Lords and Commons, making his Majesty's Court a Sanctuary for all kind of Delinquents against the Justice and Privilege of Parliament, and drawing to York by Letters, and other Means, divers Members of both Houses, and setting up there a counterfeit imaginary Usage of the great Council of Peers, in opposition to the Parliament, to the great danger, not only of the Disturbance, but even of the Subversion of the original Constitution and Frame of this Kingdom.

And that the way to the great change in Religion and Government intended, might be made more easy and passable, many of those who have shewed themselves faithful to the Cause of God and the Kingdom, either in Parliament or in the Country, are put out of the Commission of the Peace, and other Publick Employments. The Sheriff of *Leicester* labouring to keep the Peace there (when Mr. *Henry Hastings* marched from *Loughborough* in *Leicestershire*, with about 200 Foot, and 100 Horse, of which many were drawn out of *Derbyshire*, armed in a warlike manner, with Pistols, Pikes and Muskets, their Drums beating, and Colours flying, intending to seize upon the Magazine of the County) was for his good Service put out of his Office, and Mr. *Hastings* (the Person who committed this Outrage) made Sheriff in his place. Divers great Lords, his Majesty's Servants, in places of Nearness and Trust, Persons of high Honour, Merit and Abilities, as the Earls of *Pembroke*, *Essex*, *Holland*, and the Lord *Fielding*, displaced, for no other Cause but discharging their Conscience in Parliament; besides divers Members of the House of Commons, one of which hath long served his Majesty in Places of Honour, and had always been in great Favour and Esteem, till he faithfully discharged his Duty in Parliament.

And last of all, the Earl of *Northumberland* put from the place of High Admiral, a Man so eminent in all Qualifications of Honour and Sufficiency, so necessary for the State at this time, when so many Ships are at Sea, and the Kingdom in so much trouble and distraction, that there can hardly be named a more mischievous Effect of wicked Counsel, or dangerous Preparative to future Confusion, than the bereaving the State of the Service of so noble and virtuous a Person as he is. The consideration whereof, enforceth both Houses to declare, that they cannot think the Kingdom in Safety, nor themselves to have discharged the Trust which lies upon them, till they have done their uttermost, by all fit Ways, to procure that Office to be restored, whereby the Command of the Ships, which are the Walls of the Kingdom, may again be settled in the Charge of that noble Lord.

In



In the midst of these unjust and destructive Courses, to blind the Eyes of the Multitude, and disguise their malicious and cruel Intentions, under the semblance of Peace and Justice, they have drawn His Majesty to make divers solemn Protestations, with fearful Imprecations upon himself, and Invocations of God's Holy Name, That he intended nothing but the Peace and Welfare of his People, the Maintenance of Religion, and the Laws of the Kingdom, and for his own Security, only to raise a Guard for His Person; and that he did from his Soul abhor the thought of making War against the Parliament, or to put the Kingdom into a Combustion. But having, under this Colour, kept about him divers Soldiers and Officers, and gathered some Strength, the Intentions do now appear with a more open Face, by these His Majesty's ensuing Actions and Proceedings. Which the Lords and Commons have thought good to publish, that all the Subjects of the Kingdom may understand what Dangers and Miseries are coming upon them, if not timely prevented.

A Garrison of Soldiers is, by His Majesty's Orders, put into *Newcastle*, under the Command of the Earl of *Newcastle*, who should have formerly seized upon *Hull*, if by the Wisdom of the Parliament he had not been prevented.

The Papists in *Cheshire* have lately, in a very peremptory manner, and in His Majesty's Name, demanded their Arms, taken from them by the Direction of both Houses of Parliament, to be again restored to them. The Earl *Rivers*, lately a notorious professed Papist, and still suspected to be a Papist, although he now comes to Church, as many other dangerous Papists do, on purpose, as is conceived, to make themselves capable of Employment, is put into the Commission of Array, being against Law, and the Liberty of the Subject which he hath executed with Rigour, and hath committed divers Persons to Prison for refusing to submit thereunto, contrary to the Law and the *Petition of Right*.

The Mouth of the River *Tyne* is fortified, whereby the whole Trade of *Newcastle* for Coal or otherwise, will be subject to be interrupted whensoever His Majesty shall please; and the City of *London*, and many other parts of the Kingdom exceedingly burdened and distressed.

A Ship laden with Cannon for Battery, and other lesser Ordnance, Powder and Ammunition, is come into the River of *Humber*; which also hath brought divers Commanders from Foreign Parts; and in this Ship, as we are credibly informed, were Mr. *Henry Wilmot*, Sir *John Barkley*, and Sir *Hugh Pollard*, three of those who stand Charged in Parliament, for being privy to the Design of bringing up the Army; and amongst others the Lord *Digby*, a Person accused in Parliament of High-Treason; who when he began to be questioned, fled out of the Kingdom, and advised His Majesty, by Letters, to that Course which he hath since pursued, of withdrawing himself from his Parliament to a Place of Strength, and that then he intended to come to him, and in the mean time would do him Service Abroad.

Divers other large Preparations of Warlike Provisions are made beyond the Sea, and shortly expected; besides great numbers of Gentlemen, Horses and Arms, drawn from all parts of the Kingdom; and all the Gentlemen in *Yorkshire*, required to bring in their Horses for his Majesty's Service.

Sundry Commissions are granted for raising Horse; and divers Officers of the Army are already appointed.

Upon *Monday* morning, being the 4th. of *July*, His Majesty came to *Beverly* with an Army of a considerable number of Horse and Foot, some Regiments of the Trained-bands being likewise commanded to be raised.

Among the Soldiers in this Army, there are divers Papists, and other Persons of desperate Fortune and Condition, ready to execute any Violence, Rapine and Oppression.

Some Troops of Horse are sent into *Lincolnshire*, to the great Terror of the Well-affected People, who are thereby forced, either to forsake their Dwellings, or to keep them with Armed Men.

They begin already to take away Mens Horses by Force, and to commit other Acts of Hostility, and have uncivilly used a Gentleman sent from the Parliament with a Letter to His Majesty.



An. 1642.

Provisions are restrained from coming to *Hull*, and His Majesty is shortly expected to come thither with his Army, notwithstanding the Place is in the custody of the Parliament, as hath been often declared to His Majesty by both Houses, and kept by them for His Majesty's Service, and the Peace of the Kingdom; whereof, as soon as they may be secured, they intend to leave the Town in the state it was.

The War being thus by His Majesty begun, the Lords and Commons in Parliament hold themselves bound in Conscience to raise Forces for the preservation of the Peace of the Kingdom, and Protection of the Subjects in their Persons and Estates, according to Law, the Defence and Security of Parliament, and of all those who have been employed by them in any Publick Service for these Ends, and through God's Blessing, to disappoint the Designs and Expectations of those who have drawn His Majesty to these Courses and Counsels, in favour of the Papists at Home, the Rebels in *Ireland*, and the Foreign Enemies of our Religion and Peace.

In the opposing of all which, they desire the concurrence of the well-disposed Subjects of this Kingdom, and shall manifest by their Courses and Endeavours, that they are carried by no Respects but of the Publick Good, which they will always prefer before their own Lives and Fortunes; and shall ever be most earnest in their Counsels and Endeavours to prevent a Civil War, and those miserable Effects it must needs produce, if they may be avoided without endangering the alteration of Religion, which is the main End of those who have been the Authors and Counsellors of His Majesty's undertaking this War, and will necessarily draw with it a loss of Liberty, and subversion of the Law of the Kingdom; so that it rests only that the Free-born *English* Nation do consider whether they will adhere to the King and his Parliament, by which they have so long enjoyed all that is dear unto them; or to the King seduced by Jesuitical Counsel and Cavaliers, who have designed all to Slavery and Confusion; which, by God's Blessing, and our joint Endeavours, may be timely prevented.

*A Declaration of the Lords and Commons in Parliament, declaring, That none shall Apprehend or Arrest any of His Majesty's Subjects or Servants that obey the Ordinance of Parliament, under pretence of His Majesty's Warrant.*

*Die Mercurij 12 Julij, 1642.*

Such as obey the Parliament, not to be Arrested by Warrant from the King.

**T**HE Lords and Commons in Parliament do declare, That it is against the Laws and Liberties of the Kingdom, that any of the Subjects thereof should be compelled by the King to attend him at his Pleasure, but such as are bound thereto by special Service: And if any Messenger or Officer shall, by Colour or Command from His Majesty, or Warrant under His Majesty's Hand, Arrest, Take or Carry away any of his Majesty's Subjects, to any Place whatsoever, contrary to their Wills, that it is both against the Laws of the Land, and Liberties of the Subjects, and to the Disturbance of the Publick Peace of the Kingdom. And any of his Majesty's Subjects so Arrested, may lawfully refuse to obey such Arrest and Commands.

**O**rdere*d* by the Lords in Parliament, that this Declaration shall be forthwith printed and published.

**JOHN BROWN** *Cler. Parl.*

His



His Majesty's two Letters, one to the Vice-Chancellor of Oxford, the other to the Sheriff of the County, and the Mayor of Oxford, July 18th, 1642.

## CHARLES R.

*To our Trusty and Well-beloved the Vice-Chancellor of the University of Oxford, and to all the rest of our Loyal Subjects in that our University.*

**R**everend Father in God, We greet you well. Whereas We have received a most large and ample Testimony of the Affection of that our Loyal University to Us, by the free Loan of a very considerable Sum of Money in a time of so great and imminent Necessity: These are to will and require you, to give to that our University from us, our Royal Thanks, and to assure them, and every of them, (our Loving and Loyal Subjects) that this Testimony of their Hearts towards Us, shall never depart out of our Royal Memory, and that both they shall be carefully repaid, and the Money employed only upon the Defence of Our Self, and the true Protestant Religion, and the Laws established in this our Kingdom. And whereas We hear that for this Action, so full of Loyalty and Allegiance, some of that our University have been ordered to be sent for; These are to will and require you to signify unto them and every of them (who assume such Power without Us) That We Will and Command, that no Obedience be given to any such Summons, holding Our Self bound to Protect and Defend those who shall be persecuted for that Cause, of having contributed to our Defence and Protection; and so We bid you farewell.

Given at our Court at *Beverly*, the 18th day of *July*, 1642.

## CHARLES R.

*To our Trusty and Well-beloved the High-Sheriff of our County, and the Mayor of our City of Oxford.*

**T**rusty and Well-beloved, We greet you well. Whereas We have lately received very ample Testimonies of the good Affections of our University of *Oxon*, by the Loan of such Monies as could be thence spared for the Supply of Our urgent and extraordinary Occasions; for which dutiful and affectionate Expression, We are informed that several worthy Persons of that our University, our Servants and others, are threatened to be troubled and molested; We have thought fit to commend the Care, Assistance and Protection of that Place, and of the Persons in it, to you, as a Service wherein you shall merit our Favour and good Acceptance, and of which We shall require an Account. And we do therefore will and require you, as you tender our Displeasure, if any Warrant, Order, or other Direction whatsoever shall come to your hand, for the apprehending or troubling any Person or Persons of that our University, for his good Affection to our Service, in advancing the business of lending and supplying Us with Money, which We shall never forget; that you be so far from countenancing or assisting any such Warrant or Direction, that, on the contrary, you use your utmost Power to preserve those our good Subjects from such Oppression, the which We shall take in very good part at your Hand, and for so doing this shall be your Warrant.

Given at our Court at *Nottingham*, July 22d, 1642.

*Die Martis, 26 Julij, 1642.*

**T**his House having been informed, That one *John Escott* of *Launceston* in the County of *Cornwall*, hath spoken very false, scandalous and seditious Words against this Parliament, was this day called to the Bar as a Delinquent; and *Henry Willes* Gent. of *Launceston* aforesaid, having taken his Oath, testified at the same time, That on the 13th of *May* last past, he heard the said *Escott* say, That

The King's Letter to the Sheriff and Mayor of *Oxford*, July 22.

Sentence pronounced by the Lords against one *Escott*, for speaking scandalously of the Parliament.



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he never knew or heard of a Parliament that did proceed so basely, as this present Parliament did, and that many able honest Men of the House were grieved at their Proceedings. And *Robert Nettle* another Witness, being called to the Bar, and Sworn, did then testify upon Oath, That he likewise heard the said *Escott* say, That this was the basest Parliament that ever was, and that they were a Company of Round-heads. After which Evidence, the Witness and Delinquent were withdrawn, and the Lords entring into a serious Consideration of the said false, scandalous and seditious Words spoken by the said *Escott*, as aforesaid, and the manifest and plain Proof of the said Speeches; having the said Delinquent brought unto the Bar again, who kneeled until he was bid stand up, did, by their Speaker, pronounce this Judgment against him, viz.

1. That the said *John Escott* shall be fined unto our Sovereign Lord the King, the Sum of One Hundred Pounds.
2. That he shall stand on the Pillory in *Cheap side*, and in the new Palace at *Westminster*, with a Paper on his Head declaring his Offence.
3. That he shall pay Ten Pounds to *Robert Nettle* for his Charges.
4. That he shall be Imprisoned in *Newgate* during the Pleasure of this House.
5. That he shall find sufficient Sureties for the Good Behaviour, when this House shall think good to Release him, and that he shall stand publicly with a Paper on his Head expressing his Offence, at the next Quarter Session to be held for the County of *Cornwal* after his Releasement.

Die Jovis 28 Julij, 1642.

Sentence pronounced by the Lords against one *Marston*, for speaking scandalously of the Parliament, July 28.

THE House having been informed, That *John Marston*, Clerk, Rector of the Parish-Church of *St. Mary Magdalen's* in the City of *Canterbury*, and Vicar of the Parish of *St. Mary Bredden* in the said City, being a Man of a scandalous Life, hath spoken very false, seditious and opprobrious Words against this Parliament, was this day called to the Bar as a Delinquent: and *John Franklin* of the said City of *Canterbury*, Draper, having taken his Oath, testified at the same time, That on or about the 6th of May, 1642, he meeting with the said Mr. *Marston*, talked with him of some good News from *Ireland*, set forth by Order of Parliament: The said Mr. *Marston* replied, That the Parliament set forth Flams, to cozen and cheat the Country, and to get their Money. And the said Mr. *Marston* speaking of the Petition of Sir. *Edward Deering*, he said, I would stab the Heart-Blood of those that should speak against that Petition: and further said, that there would be Bloodshed in *England* before *Midsummer-Day*. And *Thomas Bridg* of the said City of *Canterbury*, Grocer, another Witness, being called to the Bar, and Sworn, did then testify, That on the 3d day of May last, he passing by the said Mr. *Marston* and *John Franklin*, whilst they were in discourse, heard the said *Franklin* tell the said *Marston*, That there was good News from *Ireland*, and that surely it was true, for that it was set out by the Parliament's Order: Whereunto the said Mr. *Marston* answered, That the Parliament did set out those Flams, only to cozen and cheat the Country, and get their Money. After the giving of which Evidence, both the Witnesses and Delinquent were withdrawn; and the Lords entring into a serious Consideration of the said false, seditious and opprobrious Words spoken by the said *Marston*, as aforesaid, and the manifest and plain Proof of the Speeches, and what ill Consequence might ensue, if such Offences should pass without exemplary Punishment, commanded the said Delinquent to be brought to the Bar again, who kneeled untill he was bid stand up.

The Lords in Parliament did by their Speaker pronounce this Judgment against him, *in hæc verba*, viz.

1. That the said *John Marston*, Clerk, shall be deprived of all his Ecclesiastical Livings, Dignities and Preferments.
2. That he shall be disabled, and held incapable hereafter to hold any Place or Dignity in Church or Common-wealth.
3. That he shall be Imprisoned in the Prison of the Gate-house, *Westminster*, during the Pleasure of this House.
4. That when this House should think fit to free him of this Imprisonment, he shall put in sufficient Sureties for the Good Behaviour.



## CHAP. VIII.

Messages, Answers, Replies, &c. between the King and the two Houses, touching the Treaty for Peace, after His Majesty's setting up his Standard.

*A Declaration of the Lords and Commons assembled in Parliament.*

**W**E the Lords and Commons in Parliament assembled, having taken into serious Consideration, the present State and Condition of imminent Danger in which the Kingdom now stands, by reason of a Malignant Party prevailing with his Majesty; putting him upon violent and perilous Ways, and now in Arms against us, to the hazarding of his Majesty's Person, and for the Oppression of the true Religion, the Laws and Liberties of this Kingdom, and the Power and Privilege of Parliament: all which every honest Man is bound to defend, especially those who have taken the late *Protestation*, by which they are more particularly tied unto it, and the more answerable before God, should they neglect it: Wherefore we finding our selves engaged in a *Necessity* to *take up Arms* likewise for the Defence of *these*, which otherwise must sutter and perish; And having used all the good Ways and Means to prevent Extremities, and preserve the Peace of the Kingdom (which good Endeavours of ours the Malignity of our Enemies hath rendred altogether successless and vain) do now think fit to give this Account unto the World, to be a Satisfaction unto all Men of the Justice of our Proceedings, and a Warning unto those who are involved in the same Danger with us, to let them see the Necessity and Duty which lies upon them, to save themselves, their Religion and Country; for which Purpose we set out this ensuing Declaration:

The Parliament's Declaration to justify thier Proceedings and Resolutions to take up Arms. Aug. 4. 1642.

**T**Hat it appears by the Answer which his Majesty hath given to the humble Petition for Peace, presented unto him by both Houses of Parliament, and those Demands which he makes, That the Design which hath been so long carried on to alter the Frame and Constitution of this Government both in Church and State, is now come to ripeness; and the Contrivers of it conceive themselves arrived to that Condition of Strength, that they shall be able to put it in present execution.

For, what else can be signified by the demanding of *Hull*, the Fleet, and the Magazine to be immediately delivered up, all our Preparations of Force to cease, and the defensive Arms of the Parliament to be laid down, and the Parliament to be adjourned to another Place, than that we should, out of the sense of our own Inability to make Resistance, yield our selves to the *cruel Mercy* of those who have possessed the King against us, and incited him to violate all the Privileges, and revile the Persons and Proceedings of the Parliament? Or else, if (as it cannot be otherwise conceived) we do not grant what is so unreasonable and destructive, forthwith to bring on that Force which is prepared against us by the Concurrence and Assistance of *Papists*, an *ambitious* and *discontented* Clergy, Delinquents obnoxious to the *Justice* of Parliament; and some *ill-affected* Persons of the Nobility and Gentry, who out of their desire of a dissolute Liberty, apprehend, and would keep off the Reformation intended by the Parliament.

These Persons have conspired together to ruin *this Parliament*, which alone hath set a stop to that Violence so long intended, and often attempted for the alteration of Religion, and subversion of the Laws and Liberties of the Kingdom.

How far we were plunged in a miserable expectation of most evil Days, and how fast this growing Mischief prevailed upon us before the Parliament,

needs



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needs not how be declared, it being so fresh and bleeding in every Man's Memory; Religion was made but *Form* and Outside, and those who made Conscience to maintain the Substance and Purity of it, whether Clergy or others, were discountenanced and oppressed, as the great *Enemies of the State*. The Laws were no Defence nor Protection of any Man's Right, all was subject to *Will* and Power, which imposed what *Payments* they thought fit, to drain the Subjects Purse, and supply those Necessities, which their *ill Counsels* had brought upon the King, or gratify such as were Instruments in promoting those illegal and oppressive Courses. They who yielded and complied, were countenanced and advanced; all others disgraced and kept under; that so Mens *Minds* made poor and base, and their *Liberties* lost and gone, they might be ready to let go their *Religion*, whensoever it should be resolved to alter it; which was and still is the *great Design*, and all else made use of but as instrumentary and subservient to it.

When they conceived the way to be sufficiently prepared, they at last resolved to put on their Master-piece in *Scotland* (where the same method had been followed) and more boldly to unmask themselves, in imposing upon them a Popish Service-Book: For well they knew the same Fate attended both Kingdoms, and Religion could not be altered in the *one* without the *other*. God raised the Spirits of that Nation to oppose it, with so much Zeal and Indignation, that it kindled such a Flame, as on Expedient could be found but a Parliament here to quench it.

This *Necessity* brought on this Parliament, and the same *Necessity* gave it in the beginning, Power to act with more Vigor and Resolution than former Parliaments had done, and to set up a Reformation of the great Disorders both in the Ecclesiastical and Civil State, which drew a more particular Envy and *Odium* upon it, than was usual to the generality of Parliaments, and was a cause that those who had swallowed up in their Thoughts our Religion and Liberties, and now saw themselves defeated by this means, bended all their Endeavours, and raised all their Forces to destroy it.

First; Whilst the *Scotish* Army remained here, they endeavoured to incense the two Nations, and engage their Armies one against the other, that in such a Confusion as needs must have followed, the Parliament might not be able to sit; and those Forces destroying one another, might open some Opportunity for them to gain their Ends upon both Kingdoms; and that then as their *Need*, so the *Being* of the Parliament might cease. The Wisdom of the Parliament prevented that Mischief, and composed those great Differences betwixt the King and the Kingdom of *Scotland*. That Plot failing, they endeavoured to turn the *English* Army against the Parliament: this was discovered, the chief Actors fled, and the Danger avoided. Then they labour to stir up the *Scotish* Army against us; but such was the Faithfulness and Affection of those our Brethren, that they could not effect it.

After this they carry the King into *Scotland*, to try if a Party could be there raised to suppress, first, the good Party in that Kingdom, and so compass their intended Purpose here. At the same time the Rebellion in *Ireland* (an Egg likewise of their hatching) breaks out, but their Plot failed in *Scotland*: yet upon hopes of success there, such Preparatives were here, and such Recourse of ill-affected Persons to this Town, that the Parliament thought it necessary, for their own Security, to have a Guard. The King, upon his return, instantly dismisses *that* Guard, and puts *another* upon us, which produced such ill Effects, as we were glad to dismiss them, and rather run any hazard than have any *such* Guard.

Thus left *naked*, presently some Members of both Houses are unjustly charged with *Treason*; and the King comes with a Troop of Cavaliers to the House of Commons to fetch those away *by Force*, whom he had caused to be so unjustly accused; the greatest Violation of the Privileges of Parliament that ever was attempted, and so manifest a Destruction of the Rights of the Subject, which are only preserved by Parliament, that the City of *London* took a pious and generous Resolution to guard the Parliament themselves; which so grieved and enraged those wicked Persons, who had engaged the King in that last, and all those other Designs and Practices against the Parliament, that they make him forsake *Whitehall*, under pretence that his



his Person was there in danger, a Suggestion as *false* as the Father of Lyes can invent.

Then do they work upon Him, and upon the *Queen*, perswade her to retire out of the Kingdom, and carry him farther and farther from the Parliament, and so possess him with an hatred of it, that they cannot put Words bitter enough into his Mouth, to express it upon all Occasions: They make him cross, oppose, and inveigh against all the Proceedings of Parliament; encourage and protect all those who will affront it; take away all Power and Authority from it, to make it contemptible and of less esteem than the meanest Court; draw away the Members, commanding them to come to him to *York*, and instead of discharging their Duty in the Service of the Parliament, to contribute their Advice and Assistance to the Destruction of it: endeavour to possess the People, that the Parliament will *take away the Law*, and introduce an *Arbitrary Government*; a thing which every honest moral Man abhors, much more the Wisdom, Justice and Piety of the two Houses of Parliament: And in truth, such a Charge, as no rational Man can believe it, it being *unpossible* so many several Persons as the Houses of Parliament consist of, (about 600) and in either House all of equal Power, should all of them, or at least the *major* part, agree in Acts of Will and Tyranny, which make up an *Arbitrary Government*; and most improbable, that the Nobility, and chief Gentry of this Kingdom, should conspire to *take away the Law*, by which they enjoy their Estates, are protected from any Act of Violence and Power, and differenced from the meaner sort of People, with whom otherwise they would be but Fellow-servants.

To make all this good upon the Parliament, and either make the Kingdom believe it, or so awe it, as no Body shall dare to say the contrary, Force is prepared, Men are levied, and the Malignant Party of the Kingdom, as was before specified, that is, Papists, the Prelatical Clergy, Delinquents, and that part of the Nobility and Gentry which either fear Reformation, or seek *Preferment* by betraying their Country, to serve the Court, have combined to bury the Happiness of this Kingdom in the Ruin of this Parliament; and by forcing it, to cut up the Freedom of Parliament by the Root, and either *take all Parliaments away*, or, which is *worse*, make them the *Instruments of Slavery*, to confirm it by Law, and leave the Disease incurable.

That done, then come they to crown the Work, and put that in Execution which was first in their Intention, that is, the changing of Religion into Popery and Superstition.

All this while the two Houses of Parliament have, with all Duty and Loyalty, still applied themselves unto His Majesty, and laboured, by humble Prayers, and clear convincing Reasons and Arguments in several Petitions, to satisfy him of their Intentions, the justness of their Proceedings, their desire of the Safety of his Royal Person, and of the Peace of the Kingdom.

And not only to preserve that Peace, and prevent the pernicious Practices of these Incendiaries, (such as the Lord *Digby*, who at first perswaded the King to get into some *strong Place*, that he might protect those whom he stiled the King's *Servants*, but in truth such as do divide him from his Parliament and Kingdom, and might be revenged upon his Parliament, where he said *Traitors* bear that sway, who in the mean time promised he would do him Service Abroad; which, by his own Letters, appears to be the procuring Supplies against the Kingdom and Parliament, with which he himself said he would return; as since he hath done, disguised, with store of Arms, in the Ship called *The Providence*; and who attempted upon the King's first going from *Whitehall*, to raise some numbers of Horse and Foot under colour of a Guard for His Majesty, to be the Foundation of an Army against the Parliament; which then failing, hath since taken Effect; and shews what was then in their Thoughts, before *Hull*, or the *Militia*, or any thing else of that nature was in question;) the Parliament thought fit to secure *Hull*, (lest it might be a Receptacle of such ill-affected Persons, and of what Aid could be gotten from Foreign Parts) the Fleet under the Earl of *Warwick* to defend the Kingdom, and prevent such Mischief from Abroad; the Magazine of Arms, that they should not be employed against us, and the *Militia* of the Kingdom in such Hands as the Parliament might confide in, to suppress Commotions within our Selves.

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And how necessary this was to be done, the succeeding Designs and Practices upon them all, do sufficiently manifest; and great cause hath the whole Kingdom to bless God, who put it into the Heads and Hearts of the Parliament to take care of these Particulars. For were these pernicious Persons about the King masters of them, how easy would it be for them to master the Parliament, and master the Kingdom? And what could we expect but Ruin and Destruction from *such masters*, who make the King in this manner revile, and detest us and our Actions? such who have embarked him in so many Designs to overthrow this Parliament? such who have long thirsted to see Religion and Liberty confounded together?

Let the World now judge, what more could be done by us than we have done, to appease His Majesty, and regain His Grace and Favour, if (after the presenting such a Petition as the last was, so full of submits, humble affectionate desires of Peace, so full of Duty and Loyalty, as we thought *Malice* it self could not have excepted against it; and having received so sharp a Return, such Expressions of Bitterness, a Justification and avowed Protection of Delinquents from the Hand of Justice, Demands of so apparent Danger, such manifestations of an Intention to destroy us, and with us the whole Kingdom; and this most clearly evidenced by their subsequent Actions, ev'n since the Propositions have been made unto us from His Majesty, over-running several Counties, compelling the Trained-bands, by Force, to come in and joyn with them; or disarming them, and putting their Arms into the Hands of lewd and desperate Persons, thereby turning the Arms of the Kingdom against it self) it be not fit for us, not only not to yield to what is required, but also to make *further Provision* for the preservation of our selves, and of those who have sent us hither, and intrusted with all they have, Estates, Liberty and Life, and that which is the *Life of their Lives*, their Religion; and ev'n for the Safety of the King's Person, now environed by those, who carry him upon his own Ruin, and the Destruction of all his People; at least to give them warning that all this is in Danger; That if the King may force this Parliament, they may bid farewell to all Parliaments from ever receiving Good by them; and if Parliaments be lost, they are lost; their Laws are lost, as well those lately made, as in former times, all which will be cut in sunder, with the same Sword now drawn for the Destruction of this Parliament.

Then if they will not come to help the Parliament, and save themselves, though both they and we must perish, yet have we discharged our Consciences, and delivered our Souls, and will look for a Reward in Heaven, should we be so ill requited upon Earth, by those of whom we have so well deserved; which we cannot fear, having found, upon all Occasions, such real Demonstrations of their Love and Affection, and of their right Understanding and Apprehension of our and their Common Danger; especially now, that the Question is so clearly stated, and that it appeareth that neither *Hull*, nor the *Militia*, nor the Magazine, are the Grounds of the War, which is so furiously driven on against us by a Malignant Party of Papists, those who call themselves Cavaliers, and other ill-affected Persons; but so far forth only as the Parliament, and all the Members of both Houses, and all other Persons who have shewed themselves forward for the Defence of the Sincerity of Religion, the Laws and Liberties of the Kingdom, and the just Power and Privileges of Parliament, are preserved and secured thereby.

For the many Designs upon the Parliament above-mentioned, the Attempts to be possessed of *Hull*, and of the Magazine, by sending thither Captain *Leg* (a Delinquent to the Parliament, for having had a hand in the treasonable Practice to bring up the Army against us) and the Earl of *Newcastle* in a disguised Habit, which was in pursuance of the Lord *Digby's* Advice, and the endeavouring to raise Forces, under pretence of a Guard to the King's Person in the Winter; All this, before we medled with *Hull*, or Magazine, or *Militia*, shew plainly that our Act in securing them, was not the Cause of the King's taking up Arms, and exercising Hostility upon his Loving and Loyal Subjects, which was in the Thoughts and Endeavours of those about the King, who then had, and still have the greatest Influence upon his Counsels, before we thought of *Hull*, or *Militia*, or any thing else of that nature; and then that our resigning of them now, would not prevail with him to make him *lay down* his Arms, and return to his Parliament,



liament, and gratify the earnest and longing Desires of his People, to enjoy his Presence, Favour and Protection: But that if he could recover, either by our Resignation, or any other way, Places of so much advantage to him, and weakning to us, use would be made of them to our infinite Prejudice and Ruin, the Intention being still the same, not to rest satisfied with having *Hull*, or taking away the Ordnance of the *Militia*; but to *destroy the Parliament*, and be Masters of our Religion and Liberties, to *make us Slaves*, and alter the Government of this Kingdom, and reduce it to the Condition of some other Countries which are not governed by Parliaments, and so by Laws, but by the *Will* of the Prince, or rather of those who are about him.

Yet willingly would we give His Majesty Satisfaction in these Particulars, (and so have we offered it) could we be secured, that disarming our selves, and delivering them up to His Majesty, (as the Sword of Justice is already put into the hands of divers Popish, and other ill-affected Persons, by putting them into the Commissions of the Peace, and other Commissions, and putting out others that are well-affected, so) we should not for our own Destruction put the *Military Sword* into the hands of those evil Counsellors, and ill-affected Persons who are so prevalent with His Majesty, Papists many of them, or very late Converts, by taking the Oaths of Supremacy and Allegiance, for which they may very well have a Dispensation or Indulgence, to be enabled thereby to promote so great a Service for the Popish Cause, as to destroy the two Houses of Parliament, and through their Sides the Protestant Religion.

But we have too just cause to believe and know, considering those continued Designs upon us, and the composition of the King's Army, and of his Counsel at this time, that these things are desired to be made use of to our Destruction, and the Destruction of that which we are bound by our Protestation to defend; and Wo to us if we do not at least do our utmost Endeavour in it, for the discharge of our Duties, and the saving of our Souls, and leave the Success to God Almighty.

Therefore we the Lords and Commons are resolved to expose our Lives and Fortunes for the Defence and Maintenance of the true Religion, the King's Person, Honour and Estate, the Power and Privilege of Parliament, and the just Rights and Liberties of the Subject.

And for the prevention of that mischievous Design, which gives motion to all the rest, and hath been so strongly pursued these many Years, the altering of our Religion, which if God in his Mercy had not miraculously diverted, long ago had we been brought to the Condition of poor *Ireland*, weltring in our own Blood and Confusion.

And we do here require all those who have any sense of Piety, Honour or Compassion, to help a distressed State, especially such as have taken the Protestation, and are bound in the same Duty with us, unto their God, their King and Country, to come in to our Aid and Assistance: This being the true cause for which we raise an Army, under the Command of the Earl of *Essex*, with whom in this Quarrel we will live and die.

#### *A Declaration of the Lords and Commons assembled in Parliament.*

**W**Hereas certain Information is given from several parts of the Kingdom, that divers Troops of Horse are employed in sundry Counties of the Kingdom, and that others have Commission to raise Horse and Foot, to compel His Majesty's Subjects to submit to the illegal Commission of Array, out of a traiterous Intent to subvert the Liberty of the Subject, and the Law of the Kingdom; and for the better strengthening themselves in this wicked Attempt, do joyn with the Popish and Jesuitical Faction, to put the Kingdom into a Combustion and Civil War, by levying Forces against the Parliament, and by these Forces to alter the Religion, and the ancient Government, and lawful Liberty of the Kingdom, and to introduce Popery and Idolatry, together with an Arbitrary Form of Government: And in pursuance thereof, have traiterously, and rebelliously levied War against the King, and by force robbed, spoiled and slain divers of His Majesty's good Subjects travelling about their lawful and necessary Occasions in the King's Protection, according to Law, and namely that for the

Parliament's Declaration to fight with, &c. those that put in execution the Array. Aug. 8th.



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End and Purpose aforesaid, the Earl of *Northampton*, the Lord *Dunsmore*, Lord *Willoughby* of *Eresby*, Son of the Earl of *Linsey*, *Henry Hastings* Esq; and divers other unknown Persons in the Counties of *Lincoln*, *Nottingham*, *Leicester*, *Warwick*, *Oxford-shire*, and other Places, the Marquis of *Hertford*, the Lord *Paulet*, Lord *Seymour*, Sir *John Stowell*, Sir *Ralph Hopton*, *John Digby* Esq; and other their Accomplices, have gotteen together great Forces in the County of *Somerset*.

The Lords and Commons in Parliament, duly considering the great Dangers which may ensue upon such their wicked and traiterous Designs; and that if by this means the Power of the Sword shall come into the Hands of Papists and their Adherents, nothing can be expected but the miserable Ruin and Desolation of the Kingdom, and the bloody Massacre of the Protestants; they do declare and ordain, That it is, and shall be lawful for all His Majesty's loving Subjects, by force of Arms to resist the said several Parties, and their Accomplices, and all other that shall raise or conduct any other Forces for the Ends aforesaid, and that the Earl of *Essex* Lord General, with all his Forces raised by the Authority of Parliament, as likewise the Lord Say Lieutenant of *Oxford-shire*, Earl of *Peterborough* Lieutenant of *Northampton-shire*, Lord *Wharton* Lieutenant of *Buckingham-shire*, Earl of *Stafford* Lieutenant of *Leicester-shire*, Earl of *Pembroke* Lieutenant of *Wilt-shire* and *Hamp-shire*, Earl of *Bedford* Lieutenant of *Somerset-shire* and *Devon*, Lord *Brooke* Lieutenant of *Warwick-shire*, the Lord *Cramborne*, Lieutenant of *Dorset-shire*, the Lord *Willoughby* of *Parham* Lieutenant of *Lincoln-shire*, and all those who are or shall be appointed by Ordinance of both Houses to perform the Place of Deputy-Lieutenants, and their Deputy-Lieutenants, respectively, *Densill Hollis* Esq; Lieutenant of the City and County of *Bristol*, and the Mayors and Sheriffs of the City, and Deputy-Lieutenants there, and all other Lieutenants of Counties, Sheriffs, Mayors, Deputy-Lieutenants, shall raise all their Power and Forces of their several Counties, as well Trained-bands as others, and shall have Power to conduct and lead the said Forces of the said Counties against the said Traitors and their Adherents, and with them to fight, kill, and slay all such as by Force shall oppose them, and the Persons of the said Traitors, and their Adherents and Accomplices to Arrest and Imprison them to bring up to the Parliament, to answer this their Traiterous and Rebellious Attempts, according to Law; and the same or any other Forces to transport and conduct from one County to another, in Aid and Assistance one of another, and of all others that shall joyn with the Lords and Commons in Parliament, for the Defence of the Religion of Almighty God, and of the Liberties and Peace of the Kingdom, and in pursuit of those wicked and rebellious Traitors, their Conspirators, Aiders, Abettors and Adherents; requiring all Lieutenants of Counties, Sheriffs, Mayors, Justices of Peace, and others His Majesty's Officers and loving Subjects, to be aiding and assisting to one another in the execution thereof; and for their so doing, all the Parties above mentioned, and all others that shall joyn with them, shall be justified, defended, and secured by the Power and Authority of Parliament.

*His Majesty's Declaration, in Answer to the foregoing Declaration.*

AS much Experience as We have had of the inveterate Rancor and high Insolence of the Malignant Party against Us, We never yet saw any Expression come from them so evidently declaring it, as the Declaration, Intituled, *A Declaration of the Lords and Commons assembled in Parliament, for the raising of all Power and Force, as well Trained-bands, as others, in several Counties of this Kingdom, to lead against all Traitors and their Adherents, &c.* In which that Faction hath, as it were distilled and contracted all their Falshood, Insolence and Malice, there being in it not one Period which is not either slanderous or treasonable. And nothing can more grieve Us, than that by their infinite Arts and Subtilty (employed by their perpetual and indefatigable Industry) and by that Rabble of *Brownists* and other Schismatics, declaredly ready to appear at their Call, they should have been able so to draw away some, and drive away others of Our good Subjects from our Parliament, as to



to prevail with the major part remaining of both Houses (how much soever that *major* part be the *smaller* in comparison of the whole) to suffer that Name (whose *Reverence* by all means We desire to preserve) to be so soiled, as to be prefix'd to a Paper of this insufferable nature, that tends not only to the Destruction of our Person, but to the Dissolution of this Government, and of all Society; if at least this Declaration (which We rather see cause to hope it hath not) have so much as been seen in the Houses, and be not the single Work of the *same Omnipotent Committee*, to which is devolved the whole Power of the Parliament, and which, as We understand, is trusted (without acquainting the Houses) to break up any Man's House, and take away the Arms and Money, intended to defend and feed him (if they shall see cause to suspect that he meant to assist his Sovereign with them) and may well be as fully and implicitly trusted to *declare*, as to *act* whatsoever they please. And though We doubt not but to their utmost they will continue that Injury to Us, and that Violation of the Subjects Liberty, and of Publick Right, to vex and imprison those who shall publish any of our Answers to their Declarations (and indeed whilst they affirm against all *Truth*, and command against all *Law*, it concerns them to take care, that nothing be heard but what they say) yet our Comfort is, that our Intentions, and the Duty of our Subjects are so well and so generally known to our People, that We cannot fear (from whom soever it come, and tho' no Answer came out with it) that either what is there said, should be *believed*, or what is there commanded, should be *obeyed*. Who knows not that our Commissions for Horse and Foot were not granted out, till not only our Prerogative, but our Propriety, our Goods, Arms, Towns, *Militia*, and Negative Voice were taken from Us, and all the Kingdom commanded to be in Arms, and invited to bring in Horse, Plate and Money, to frame an Army against our Command and Proclamation, and till Horse were raised and muster'd accordingly? and then with no Intention (nor hath any Action in any of our Ministers given the least suspicion of such an Intention) by them to compel our Subjects to submit to our *Commissions of Array*, or make use of them against the Parliament; but to regain *Hull*, held out in Rebellion against Us, and to suppress all such as without our Authority, and against our Commands, should raise Forces in this our Kingdom, and levy War against Us, under pretence of any Order or Ordinance of one or both Houses? And such traiterous Assemblies and Marches have been the only lawful and necessary Occasions of our good Subjects, which have not been so much as interrupted by any Troops of Ours. And what is affirmed of the spoiling and *killing* them, as they were so travelling under our Protection, and according to Law, is a most malicious Affirmation, as well without Truth, as without Instance, invented at once to make our Troops terrible, and Us *odious* to our People.

What care have We taken, that by this means the Power of the Sword should not come into the hands of Papists, who have by our Proclamation strictly charged, That *no Papist* should presume to list himself, either as Officer or Soldier in this our Army, having directed how he should be discovered, if he did presume; and suffer, if he were discovered? What care have We taken to avoid Combustion and Civil War, offering to lay down our Arms when they should have laid down theirs, in whom it was Treason to take them up, and restored Us those things which could not without Treason, as well as Injustice, be forced away and kept from Us, our Arms, Ships, Town, &c. And when We might meet both our Houses in a safe and secure Place to debate freely of all the Differences in a Parliamentary Way; And by whose Influences these Propositions were rejected; and whether the Proposers or Rejecters were most careful to avoid this Ruin and Dissolution of the Kingdom, We leave all the World to judge? And whether they who divert the Men and Money collected for the Relief of distressed *Ireland*, to raise Forces against their Prince (who *asks* them nothing but what is legal, nor will *deny* them any thing that is) do not joyn with the Popish and Jesuitical Faction in the Bloody Massacre of many thousand Protestants in that miserable Kingdom? We propose likewise to every Man's Judgment, whether the declaring those to be Traitors who execute our Commission of Array (issued in so many Kings Reigns, agreed upon by Parliament, and there yielded to by the King, to be settled as



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now it is, as a matter of great Grace; and since that time, which was in  
 5 *Hen. IV.* in no Parliament complained of) whilst our good Subjects are  
 vexed and imprisoned, not only for resisting, but for humbly petitioning, so  
 as may seem but to insinuate something against their most illegal Commands  
 concerning the *Militia*; (to which Power of Commanding, no Title can be  
 made by any Statute, or any Precedent, nor can We ever find by search, nor ob-  
 tain to be told what those *Fundamental Laws* are by which it is pretended; so  
 deep those Foundations are laid beyond all means of Discovery.) And the  
 declaring that those who raise Men by virtue of our Command and Commis-  
 sion (the only legal way) traiterously and rebelliously levy War against the  
 King, and ordaining it to be lawful for all our Subjects, by force of Arms,  
 to resist them and their Accomplices; and the raising Forces by Authority of  
 Parliament (that is, by the remaining part of both Houses) never in the  
 most outrageous Times before attempted, and commanding several Persons,  
 whom they call Lieutenants, to lead, and giving them Power to transport  
 from one County to another the Forces of several of our Counties against  
 them, and to kill and slay all such as by Force shall oppose them, Our Self  
 not excepted; commanding all our Officers and Subjects to be assisting to  
 them, and undertaking to secure them for so doing, by the Power and Autho-  
 rity of Parliament (which is first to *allow*, and next to *command*, and then to  
*pardon* Treason) be not to have already subverted, as much as in them lie, the  
 Liberty of the Subject, the Law of the Land, and altered the ancient Go-  
 vernment of the Kingdom, leaving our Subjects without all Rule to walk  
 by, when the most clear Laws cannot direct and secure them, and they see all  
 those ancient Bounds past over, which were ever as much known to be the Duty  
 of both Houses to observe, as it is evident that there were, and that it was  
 necessary there should be, two Houses of Parliament; and at once behold  
 the Law (which is to protect and defend the Subject) and Us (who are to pro-  
 tect and defend the Law) need Defence and Protection. We doubt not there-  
 fore but all our good Subjects will come in to our Assistance, and that this  
 wicked Charge of intending to introduce Popery, Idolatry, and Arbitrary Go-  
 vernment, laid by Implication upon Us (because We defend Our Self, and would  
 recover Our own) will be so far from being a Motive against Us, that this  
 intolerable Indignity and damnable Scandal (so daily and visibly confuted by  
 all our Professions and Actions) will encrease our good Subjects Zeal towards  
 Us, and their Indignation against the Contrivers: And that they will esteem  
 themselves obliged by the Religion of Almighty God to oppose this War, so  
 impiously, so treasonably, and so groundlessly made upon Us their King, and  
 his Anointed. We therefore require all our Commissioners of Array, Sheriffs,  
 and all our other Officers and Ministers, to raise all the Power and Forces of  
 their several Counties, to assist the Marquis of *Hertford*, the Earl of *Northampton*,  
 the Lord *Willoughby* of *Eresby*, the Lord *Paulet*, the Lord *Dunsmore*, the Lord  
*Seymour*, *Henry Hastings* Esq; Sir *John Stowell*, Sir *Ralph Hopton*, *John Digby* Esq;  
 and all others, in the legal and necessary Execution of our Commissions  
 of Array; and in the raising and conducting of such Horse and Foot as shall  
 be raised by our Commission, and by Force of Arms to oppose the Earl  
 of *Essex*, the Lord *Say*, and all other that shall raise or conduct any Forces  
 raised by pretence of Authority of both Houses; and the Persons of all  
 such Traitors, and their Adherents and Accomplices, to Arrest, and Imprison,  
 to the end they may be brought to a fair and legal Tryal by their Peers,  
 and according to the Law. And this We require from them, as they tender  
 the Defence of our Person, the true Religion, the Law of the Land, the Li-  
 berty and Property of the Subject, and the true and just Privileges of Par-  
 liament: And for so doing they shall be defended and secured by Us, and  
 by the Law, with whom, and with which We doubt not but our Sub-  
 jects will sooner chuse to live and die, than with the Earl of *Essex* and his  
 Adherents.

By



## By the KING.

*A Proclamation for the suppressing of the present Rebellion, under the Command of Robert Earl of Essex: And the gracious Offer of His Majesty's free Pardon, &c.*

Whereas, now at the last, those seditious and traiterous Counsels and Consultations, which have been long in design, and which long since We foresaw, have produced such manifest and open Effects of Treason and Rebellion against Us, that there are already great numbers of Horse and Foot raised, arrayed, mustered and trained, under pretence of Authority of Our two Houses or Parliament, without and against our Consent, in and about our Cities of *London* and *Westminster*, in a Warlike manner; and there are many more in raising with speed: and *Robert Earl of Essex*, by the said pretended Authority, without our Consent, hath been nominated to be Captain-General of those Troops and Forces; and he forgetting the Duty and Allegiance which he oweth to Us his Sovereign, hath taken upon him, and accepted that Title and Command of Captain-General, and in that Quality appeareth amongst the Soldiers, animating and encouraging himself and them in these Traiterous and Rebellious Designs. And as it is now notoriously known, the said Earl and his Adherents intend speedily to march from thence towards the North, where We now reside, and in a Warlike manner to assail and oppose Us, and those who shall attend and assist Us, under pretence of defending our Person, and the two Houses of Parliament; and prepare traiterously to surprize or besiege our Town of *Portsmouth*, and to possess themselves thereof with Force, the same being a Town and Port of great Importance in the Western Parts of this Kingdom; and also to surprize, or by Force to take and possess themselves of all other Castles, Forts and Places of Strength within this Kingdom, and all this to strengthen them and their Party in these their Traiterous and Rebellious Designs; all which are not now taken up by Us, upon Information of others, and by Conjecture, but do manifestly appear to the whole World by that insolent and prodigious Commission of Captain-General over the whole Kingdom of *England*, and Dominion of *Wales*, which in the Name of the two Houses of Parliament is granted unto the said Earl; but hath indeed been contrived by some few Malignant Persons, Members of either House, whereby they have mentioned to confer upon him, and the said Earl, under that colour, hath assumed unto himself those Titles, and begun to put in Execution those Powers and Authorities which are inconsistent with Our Sovereignty: All which is so done, contrary to all Rules of Religion, Laws, Allegiance, or common Honesty.

We do now therefore publish and declare, by this our Royal Proclamation, That the said publick and notorious Acts and Actions of the said Earl, are Acts and Actions of High-Treason, being a manifest levying of War against his natural Liege Lord and King, expressly within the words and meaning of the Statute made in the twenty fifth Year of King *Edward* the Third, declaring the same; of which in Law there neither is, nor can be any doubt. And that the said Earl of *Essex*, is a Rebel and Traitor unto Us, and to our Crown; and that he, and all Colonels, Captains, and Officers, which upon notice hereof, shall not immediately quit their Commands under him, or any others, by the like unlawful and usurped Power without and against Us, are also guilty of High-Treason within that Statute, and ought to be adjudged, and esteemed, and proceeded against as Traitors and Rebels.

And yet, out of our Grace and Clemency towards such of our Subjects as have been abused and misled by the said Earl, and such others as joyn themselves with him in these desperate Courses, and to preserve the Peace of this Kingdom, (if it be possible) and to avoid the shedding of Blood, We, abhorring the name of a Civil War, if it can by any good means be avoided, do, by this our Proclamation, admonish the said Earl and all our Subjects whom

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it may concern, which are now already joyned, or shall joyn themselves to the said Earl, in this Act of Hostility, that forthwith they lay down their Arms, as well Horse as Foot, and all other Preparations for the War; and instantly, without delay, return to their own Homes and Habitations, and there quietly and peaceably employ and bestow themselves in their proper Vocations and Callings, and that hereafter they meddle not or interpose themselves in these or any the like rebellious and traitorous Undertakings or Actions: Which if they do readily and really perform, within fix Days after the Date of these Presents, We do hereby Promise and Undertake, in the Word of a King, That We will freely extend Our Mercy unto them, and grant unto them Our free and full Pardon for all that hath been or shall be committed before that time. But if they shall neglect this our Grace and Favour now extended unto them, and persist in any Acts of Hostility against Us, or not disband, upon notice of this Our Proclamation, We shall esteem of them as Rebels and Traitors to Us, and to Our Crown, and as Publick Enemies to the happy Peace of this Kingdom; and that from thence We shall proceed against them, and deal with them as Rebels and Traitors; and by the Blessing of God, in whom We put our Confidence, and by the Assistance of our Faithful and Good Subjects, upon whose Fidelity and Affections We rely, We doubt not but We shall so prevail against all their traitorous Conspiracies and rebellious Machinations, as shall vindicate Our Honour, and the Honour of Our Crown, preserve Our Good and Loyal Subjects from their Malice and Fury, and restore and settle the Peace of this Kingdom, and make the Delinquents so exemplary, as shall deter others from ever attempting the like Insolencies.

And We hereby require and command all our Commissioners of Array, Lieutenants, Deputy-Lieutenants, Sheriffs, Justices of Peace, Mayors, and all other Our Officers, Ministers, and loving Subjects, That they and every of them, in their several Places, do their best and utmost Endeavours to resist and subdue the said Earl and his Adherents, and those who shall assist them or any of them, and to apprehend or otherwise to destroy them, and every of them, that so they may receive condign Punishment for their Disloyalty. And that they be ready, according to their Duties and Allegiance, to assist Us, and those Our good Subjects who do adhere unto Us, according to Our just Commands in or concerning the Premises.

And more particularly We require and command Our Commissioners of Array, Lords Lieutenants, Deputy-Lieutenants, Captains and Officers of Our Trained-Bands, of or in Our Counties of *Southampton, Sussex and Surrey*, that so many of them as to that purpose Colonel *Goring* shall call to his Aid, as he shall see cause, shall, with such Forces as are under their Command, repair unto our said Town of *Portsmouth*, to assist the said Colonel *George Goring*, Our Captain and Governour of the said Town, for the Defence of the said Town, and to Oppose, and to Resist, and Destroy all those, who under the Command of the said Earl of *Essex*, or any other, shall attempt any Violence against the said Town.

And we do further require and command Our Right Trusty and Right Well-beloved Cousin and Counsellor, *William Marquis Hertford*, That with all speed he raise all the Forces he can, within all or any the Counties contained within that Commission We have given unto him, whereby he is made Our Lieutenant-General of all Our Forces within Our Counties of *Devon, Cornwall, Somerset, Dorset, Wilts, Southampton, Gloucester, Berks, Oxford, Hertford, Monmouth, Radnor, Brecknock, Glamorgan, Carmarthen, Pembroke, Cardigan*: Our Cities of *Exeter, Bristol, Gloucester, Oxford, Bath and Wells, New Salisbury and Hereford*, and the Counties of the same: The Towns of *Pool and Southampton*, and *Haverford West*, and the Counties of the same; and with the Trained-bands of those Counties and others, who shall voluntarily offer their Service to march against the said Earl, or any others under his Command, or under the Command of any others not authorized by Us, and them to Resist, Oppose and Subdue, and especially for the Defence of the said Town of *Portsmouth*, and for the *Ile of Wight*, in our County of *Southampton*, as there shall be Occasion.

And we do hereby desire and require our Loyal and Loving Subjects, of and within the said Counties, being of the Trained-bands, or voluntary Levies within the said Commission, to repair with their Horse and Foot, well Armed,  
 Arrayed



Arrayed and Furnished, to such place or places as the said Marquis shall appoint; and that they, and all other Our good and loving Subjects within this Realm, shall, according to such Directions as We shall give to that purpose, repair to Us at such place where We shall pitch and set up Our Royal Standard; and where We purpose, in Our own Person, to be present, and there and in such places, whither We shall conduct them, or cause them to be conducted, to serve us for the Defence of Us, and of Our Kingdom, and of the true Protestant Religion, and the known Laws of the Land, and the just Liberties of Our Subjects, and the just Privileges of Parliament, and to suppress the Notorious and Insolent Rebellion of the said Earl and his Adherents, and reduce them to their due Obedience, and for re-settling of the happy Peace of this Kingdom.

And in this time of urgent Necessity, which so much importeth the Safety, and ev'n the very subsistence of Us and Our good People, We shall take it as an acceptable Service to Us, and much conducing to the Peace of our Kingdom, if Our loving and well-affected Subjects, within Our said Counties contained within our Commission granted to the said Marquis, do and will cheerfully and voluntarily contribute unto Us, and give unto Us such Assistance in Money or Plate, as they shall think fit, by Loan or otherwise, to be delivered to the hands of the said Marquis, or of the Commissioners of Array, for those several Counties, respectively, to be disposed of to this Publick Use, and not otherwise; and that Our loving and well-affected Subjects of all other the Counties of this Kingdom, will, to the same Use and not otherwise, contribute unto and assist Us in like manner, such Contribution and Assistance to be paid or delivered to our Use, into the Hands of Our Commissioners of Array for those other Counties, respectively, or to such of them as they shall nominate and appoint to that purpose.

And lastly, In all these Our just and necessary Commands, We require, That ready Obedience, from all Our Commissioners, Sheriffs, Justices of Peace, Mayors, Constables, and other Officers and loving Subjects, in their several and respective Places, which apertaineth to their several Duties, as they tender Our Honour and Safety, and the Honour, Safety, Peace, and Prosperity of the Church and Kingdom of England, and as they will answer their Neglects at their utmost Perils.

Given at our Court at York, the Ninth day of August, in the Eighteenth Year of Our Reign, 1642.

*A Declaration and Resolution of the Lords and Commons assembled in Parliament, concerning this His Majesty's Proclamation.*

THE Lords and Commons having received, in a Letter from His Majesty, a printed Paper, Intituled, *A Proclamation for the Suppressing of the present Rebellion, under the Command of Robert Earl of Essex; and the gracious Offer of His Majesty's free Pardon to him, and all such of his Adherents, as shall within six Days after the Date thereof lay down their Arms*; do publish and declare, That the Matter of this libellous and scandalous Paper, is the Venom of those traitorous Counsellors about His Majesty, long since discovered, and so often complained of by both Houses of Parliament, who having for many Years together carried on a wicked Design, to alter Religion, and to introduce Popery, Superstition and Ignorance, the ready way to an Arbitrary and Tyrannical Government; and for that purpose not only maintained Agents at Rome, but invited and procured sundry Nuncio's, or Agents, to be sent into this Kingdom from the Pope, by which means Popery and Superstition was so far advanced, that nothing but the Convening of this Parliament, occasioned by the coming of the Scots, could in all humane Reason have prevented them in their Design, the only true Reason which these mischievous Counsellors, maligning that Power which opposes it self against their destructive and horrid Counsels, have now at last, as the master-piece of all their Machinations, advised His Majesty, in effect, to proclaim at once, His House of Peers, (the Hereditary Counsellors of the Kingdom) and



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and his House of Commons, (the Representative Body of the whole Commons of the Kingdom) to be all Rebels and Traitors; and by that Paper have endeavoured so to blind the Eyes of the People, as to make them guilty of their own Destruction, by helping to subdue and destroy the Parliament, (the only Means, under God, to preserve their Religion, Laws and Liberties) and to persuade the Kingdom, That His Majesty, by Assistance of *Papists*, and Persons Popishly affected, will maintain the *Protestant Religion*; That by the help of Men *Outlawed*, and of desperate Fortunes, he will maintain the *Laws* of the Land; and with *Fugitives* from Parliament, and Delinquents to the Parliament, will preserve the *Privileges* thereof; an Attempt so desperate, and so transcendently wicked, that the Lords and Commons do unanimously publish and declare, That all they who have advised, contrived, abetted, or countenanced, or hereafter shall abett or countenance the said Proclamation, are Traitors and Enemies to God, the King and Kingdom, and guilty of the highest degree of Treason that can be committed against the King and Kingdom; and that they will, by the Assistance of Almighty God, and of all honest *English* Protestants, and lovers of their Country, do their best Endeavours (ev'n to the utmost hazard of their Lives and Fortunes) to bring all such unparallel'd Traitors to a speedy and exemplary Punishment.

And whereas the Lords and Commons in Parliament did formerly chuse the Earl of *Essex* to be Captain-General of such Forces as are, or shall be raised, for the maintenance of the true Protestant Religion, the King's Person, the Laws of the Land, the Peace of the Kingdom, the Liberty and Property of the Subject, and the Rights and Privileges of Parliament; the said Lords and Commons do declare, That they will maintain and assist him, and adhere unto him the said Earl, with their Lives and Estates, in the same Cause, as in Conscience and Duty to God, the King and their Country, they are bound to do.

And lastly, the Lords and Commons do further declare, That notwithstanding those wicked Counsels, which inclined His Majesty to make War against our Brethren of *Scotland*, and by Prayers and Proclamations read in Churches, to pronounce them Rebels and Traitors, which withheld His Majesty from setting forth any Proclamation against those Bloody and Barbarous Rebels in *Ireland*, till *January* last, although the Rebellion broke forth the 23d of *October* before; and notwithstanding the Importunity of both Houses of Parliament, that a Declaration might issue to that purpose, have now advised and prevailed with His Majesty, by this Proclamation, to invite his Subjects to destroy his Parliament and good People by a Civil War, and by that means to bring Ruin, Confusion, and perpetual Slavery upon the surviving part of a then wretched Kingdom. Yet the Lords and Commons, to Witness their constant and unshaken Loyalty and Affection to His Majesty, do solemnly declare, That if His Majesty shall immediately disband all his Forces, and be pleased to abandon those wicked Counsellors, and leave them to condign Punishment, and return and hearken to the wholesome Advice of his Great Council; they will really endeavour to make both His Majesty and His Posterity as Great, Rich and Potent, as much beloved at Home, and feared Abroad, as any Prince that ever swayed this Scepter; which is their firm and constant Resolution.

### By the KING.

*A Proclamation, declaring His Majesty's express Command, That no Popish Recusant, nor any other, who shall refuse to take the two Oaths of Allegiance and Supremacy, shall serve him in his Army: And that the Soldiery commit no Rapines upon the People, &c. August 10th.*

Whereas We have heretofore, by our Proclamation, straitly charged and commanded that the Laws should be put in due execution against Popish Recusants; and We have, and shall have it still in our Care, to



to suppress and prevent the growth of Popery, and to use all good Means that may tend thereunto, and not to countenance Papists, by any Employment or Trust, by or for Us. And whereas there are now at and near London, great Forces levied, and in levying, and Monies raising, by way of Contribution and otherwise, towards the Charge of raising and maintaining an Army, or Forces, under pretence of the Order of Our two Houses of Parliament; not only without Our Consent, but contrary to Our several express Commands, published by several Proclamations, Letters, and otherwise. And the same Forces are actually in so much forwardness, as that there are divers Horsemen daily Exercised and Trained in Places about London, and great Numbers of Foot in raising; and a General and other principal Officers are nominated and declared, and they have accepted and taken upon them those Places, and have already done several Acts of Hostility against Us, which clearly appear to be a levying of War against Us; We have found it necessary, to raise and levy Forces for the Defence of the true Protestant Religion, Our Person, the two Houses of Parliament, the Laws of the Land, the Liberty and Property of the Subject, and the just Privileges of Parliament. And now, lest any Popish Recusants should presume to offer to serve Us herein, or procure themselves to be listed, as Officers, or Soldiers in Our Army, without our Knowledge; and to the end that our Intention herein may be clearly known, That whereas one principal Aim of raising these Forces, is, for the Defence and Maintenance of the true Protestant Religion, We may not be served with Papists, as falsely and slanderously hath been objected against Us; We do hereby declare Our express Will and Pleasure to be, and We do hereby straitly Command, That no Person or Persons soever, being Popish Recusants, shall presume to come to Our Court, contrary to the Law in such Case provided; nor any Popish Recusant, or Papist, take any Office, or Place, or List himself as a Soldier in this Service.

And to the end there may be as full discovery as can be made of such as shall, contrary to this Our Proclamation, be so listed into such Our Service, We do straitly Command and Charge all Officers and Soldiers, who shall be entered or listed for this Our Service, That that upon the first Muster-Day, after they shall be so listed, they take the Oaths of Supremacy and Allegiance, both which We shall take care shall be tendered unto them according to the Law, throughout Our Army. And if any shall continue his Name in those Lists, and yet refuse the said Oaths, We shall not only cashier them, but also otherwise proceed against them according to the Law.

And as We shall be careful that all Our Officers and Soldiers shall be duly pay'd, that there be no occasion or pretence of Necessity amongst them, to burden any of Our Subjects; So We do hereby straitly Charge and Command, That none of the said Officers, or Soldiers, presume to take any thing from any of Our good Subjects, without due payment for the same, or commit any unlawful Violence or Outrage.

And to all these Our Commands, We expect a strict Obedience of all Our Subjects; whom it may concern, as they will answer the contrary at their uttermost Peril. And being thus careful that by this Our necessary Service, Our Subjects should not in any degree suffer or be wronged; so We do expect and require, That all Our Sheriffs, Justices of Peace, Mayors, Bailiffs, and all other Our Officers and Subjects, should use their best Endeavours, as there shall be occasion, for the Assistance and convenient Supplies of Our said Officers and Soldiers with such Things as shall be necessary and fit for them, at reasonable Rates and Prices.

Given at Our Court at York, the Tenth day of August, in the Eighteenth Year of Our Reign, 1642.

*God save the KING.*



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## By the KING.

*A Proclamation by His Majesty, requiring the Aid and Assistance of all his Subjects on the North side Trent, and within twenty Miles Southward thereof, for the Suppressing of the Rebels now marching against him.*

Aug. 12th.

‘ **W** Hereas divers Persons, bearing an inward Hatred and Malice against Our Person and Government, and ambitious of Rule and Places of Preferment and Command, have raised an Army, and are now traiterously and rebelliously (tho’ under the specious pretence of Our Royal Name and Authority, and of the Defence of Our Person and Parliament) marching in Battle Array against Us their Liege Lord and Sovereign, contrary to their Duty and Allegiance, whereby the common Peace is like to be wholly destroyed, and this flourishing Kingdom in danger to perish under the Miseries of a Civil War, if the Malice and Rage of these Persons be not instantly resisted: And as We do, and must rely on Almighty God (the Protector and Defender of his Anointed) to defend Us, and Our good People against the Malice and pernicious Designs of these Men, tending to the utter Ruin of Our Person, the true Protestant Religion, the Laws established, the Property and Liberty of the Subject, and the very Being of Parliaments; so We doubt not but Our good People will in this Necessity contribute unto Us, with all Alacrity and Chearfulness, their Assistance in their Persons, Servants and Money, for the Suppression of the same Rebellion: And therein We cannot but with much Contentment of Heart acknowledge the Love and Affection of Our Subjects of Our County of *York*, and divers other Counties, in their free and ready Assistance of Us, which We shall never forget, and Our Posterity will, as We hope, ever remember for their good.

‘ Nevertheless, in this Our extream Necessity, tho’ We have been most unwilling, We are now enforced for Our most just and necessary Defence, again to call and invite them, and all other Our Subjects, of the true Protestant Religion, residing on the North-side of *Trent*, or within twenty Miles Southward thereof, whose Hearts God Almighty shall touch with a true Sense and Apprehension of Our sufferings, and of the ill Use which the Contrivers and Fomenters of this Rebellion have made of Our Clemency, and desire of Peace, That according to their Allegiance, and as they tender the Safety of Our Person, the Propriety of their Estates, their just Liberties, the true Protestant Religion, and Privileges of Parliament, and indeed the very Being of Parliaments, they attend Our Person upon *Monday* the 22<sup>d</sup> day of this instant *August*, at Our Town of *Nottingham*, where and when We intend to erect Our Standard Royal, in our just and necessary Defence, and whence We resolve to advance forward for the Suppression of the said Rebellion, and the Protection of Our good Subjects amongst them, from the Burden of the Slavery and Insolence, under which they cannot but groan, till they be relieved by Us.

‘ And We likewise call and invite all Our Subjects, of the true Protestant Religion, in the remoter Parts of this Our Kingdom, to whom Notice of this Our Proclamation cannot so soon arrive, that with all speed possible, as they tender the fore-named Considerations, they attend Our Person in such Place as We shall then happen to encamp; and such of Our said Subjects as shall come unto Us (either to the said Town of *Nottingham*, or to any other Place where We shall happen to encamp) armed, and arrayed with Horse, Pistols, Musquets, Pikes, Corsets, Horses for Dragoons, or other fitting Arms and Furniture, We shall take them into our Pay (such of them excepted, who shall be willing, as Volunteers, to serve Us in this Our Necessity without Pay.) And whosoever shall, in this Our Danger and Necessity, supply Us either by Gift, or Loan of Money or Plate, for this our necessary Defence

(‘ where-



(wherein they also are so nearly concerned) We shall, as soon as God shall enable Us, repay whatsoever is so lent, and upon all Occasions remember and reward those Our good Subjects, according to the measure of their Love and Affections to Us and their Country.

Given at Our Court at York, the 12th of August, in the Eighteenth Year of Our Reign, 1642.

GOD save the KING.

*His Majesty's Message to the House of Commons, from the Court at York, the 13th of August, 1642.*

**H**IS Majesty taking notice of an Order lately made by the House of Commons, whereby that House hath unduly assumed to themselves Authority to order, direct, and dispose of One Hundred Thousand Pounds, part of those Monies which the Adventurers for the reducing of the Rebels of *Ireland*, have paid to that End only, to other Uses and Intents, contrary to the express Words of the Act of Parliament concerning the same, wherein it is enacted, That no part of the Money which should be paid in according to that Act, shall be employ'd to any other Purpose than the reducing of those Rebels, until they shall be declared to be subdued; out of His Majesty's Piety and Princely Care for the Confirming and Re-establishment of God's true Religion in that his Kingdom of *Ireland*, for the Relief of his distressed Subjects there, for the Suppressing that horrid and bloody Rebellion, for the Supply and Payment of his Armies there, now in great Want and Necessity, doth strictly require the House of Commons, as they will answer the contrary to Almighty God, His Majesty, and those that have trusted them, That they immediately retract that mischievous, illegal and unjust Order; wherein His Majesty expecteth their speedy Answer and Obedience, and the rather that he may thereby be secured, that such part of the Four Hundred Thousand Pounds, as is or shall be collected from his good Subjects of *England* by virtue of the late Act of Parliament, whereby the same is granted, may not likewise (under false Pretences) be diverted from its proper use for which it was intended, and mis-employed to the Disturbance of the Peace of this Kingdom in a War against His Sacred Majesty.

King's Message about the Parliament's borrowing 100,000 l. of Money raised for *Ireland*, Aug. 13th.

*The Answer of the House of Commons to His Majesty's Message.*

**T**HE House of Commons having received a Message from His Majesty of the 13th of August last, whereby they are required to retract an Order made by them for the borrowing of One Hundred Thousand Pounds of the Adventurers Money for *Ireland*, supposing that Order very prejudicial to the Affairs of *Ireland*, and contrary to an Act of Parliament made this present Session; do, in the first place, declare, That these Directions given by His Majesty for the retracting of this Order, is an high Breach of Privilege of Parliament; and that they cannot without a deep sense of Sorrow, call to mind how Popish and Prelatical Counsels did so far prevail with His Majesty, that two Armies were brought within the Bowels of this Kingdom, and two Protestant Nations ready to welter in each other's Blood. That when both these Armies had been a long time defrayed at the Charge of the poor Commons of *England*, and at length, by God's Blessing upon the Endeavours of the Parliament, quietly disbanded, the same wicked Counsels (prevented of that Design) did soon after raise this bloody and barbarous Rebellion in *Ireland*. The suppressing whereof (for the better colour) was recommended to the Care of the Parliament, who, out of a fellow-feeling of the unspeakable Miseries of their Protestant Brethren there, (not suspecting this horrid Plot, now too apparent) did chearfully undertake that great Work, and do really Intend and Endeavour to settle the Protestant Religion, and a permanent Peace in that Realm, to

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the Glory of God, and the great Honour and Profit of His Majesty, and Security of his three Kingdoms; but how they have been discouraged, retarded and diverted in and from this pious and glorious Work, by those Traiterous Counsels about His Majesty, will appear by many Particulars, some whereof they shall, upon this first occasion, call to remembrance. That when the Lords and Commons had, upon the first breaking out of the Rebellion, immediately provided and sent over 20000 *l.* and engaged themselves and the whole Kingdom for the reducing of the Rebels: Yet His Majesty, after his return from *Scotland* to *London*, was neither pleased by Word or Message to take notice of it, until after some in the House of Commons had truly observed how forward those mischievous Counsellors were to incite His Majesty against his Protestant Subjects of *Scotland*, and how slow to resent the Proceedings of his Papist Traitors in *Ireland*.

That altho' the Rebels had most impudently stiled themselves the Queen's Army, and profess'd that the Cause of their Rising, was, to maintain the King's Prerogative, and the Queen's Religion, against the Puritan Parliament in *England*: And that thereupon both Houses of Parliament did humbly and earnestly advise His Majesty to wipe away this dangerous Scandal, by proclaiming them Rebels and Traitors to His Majesty, and the Crown of *England*, which then would have mated and weakened the Conspirators in the beginning, and encouraged both the Parliament here, and good People there, the more vigorously to have opposed their Proceedings: yet such was the Power of these Counsels, that no Proclamation was set forth to that purpose, till almost three Months after the breaking out of this Rebellion, and then Command given that but forty should be printed, nor they published till further Directions should be given by His Majesty.

That after both Houses of Parliament had found out a probable way to reduce the Kingdom of *Ireland*, by the Adventure of private Men, without any Charge to the Subject in general, and which they are very confident would have brought in a Million of Money, (had His Majesty continued in or near *London*) those malicious Whisperers that durst not hinder the passing of the Bill, which was so specious in it self, and so generally approved, yet have by practice, by drawing His Majesty from his Parliament, by keeping him at this distance, and advising him to make War upon his People, so intimidated and discouraged the Adventurers, and others that would have adventured, that they have rendred that good Bill, in a manner, ineffectual.

That the Parliament and Adventurers had long designed Five thousand Foot, and Five hundred Horse for the Relief of *Munster*, to be sent as a Brigade, under the Command of the Lord *Wharton*, had made choice and listed all the Commanders, and prepared Money, Arms, and other Provisions for that Expedition, and all to be at the Charge of the Adventurers: And when nothing was wanting but a Commission to the Lord *Wharton*, to enable him for that Service; such was the Power of those Counsels, that no Commission could be obtained from His Majesty; by reason whereof, *Limerick* was wholly Lost, and the Province of *Munster* is now in very great Distress.

That when divers pious and well-affected Persons had prepared twelve Ships, and six Pinaces, with a thousand or more Land-Forces, at their own Charge, by way of Adventure for the Service of *Ireland*, and desired nothing but a Commission from His Majesty to enable them thereunto; that Commission, after twice sending to *Tork* for the same, and the Ships lying ready to sail for three Weeks together, at the Charge of near 300 *l.* a Day, was likewise denied; and those Adventurers (rather than to lose their Expedition) were constrained to go by virtue of an Ordinance of both Houses of Parliament.

That tho' the Lords-Justices of *Ireland* have three Months since earnestly desired to have two Pieces of Battery sent over, as very necessary for that Service; yet such Commands are given to the Officers of the Tower, that none of His Majesty's Ordnance must be sent to save His Majesty's Kingdom.

That altho' whilst the Earl of *Leicester* stay'd here in the Service of the Parliament, and in providing for his long-expected Voyage into *Ireland*, a Message was sent to the Parliament, from His Majesty, to hasten him away, and Letters were written to the said Earl from His Majesty, that he should make



no stay at *York* for his dispatch, but that his Instructions should be ready for him against he came. And although it is notoriously known, that the Affairs of *Ireland* do exceedingly suffer, by wanting the Personal Assistance of a Commander in Chief, to give both Life and Motion to the Army there, yet the said Earl hath been staid with His Majesty in the North a Month and more, and as yet can get no Dispatch.

That notwithstanding the bleeding Condition of *Ireland*, yet divers Commanders and Officers in Pay, and in actual Employment there against the Rebels, have been called away from that important Service, by the express Command of His Majesty, as *Charles Lloyd* Engineer and Quarter-Master-General of the Army in *Ireland*, and divers others.

That Captain *Green* Comptroller of the Artillery, a Man in Pay, and principally employed and trusted here by the Lord-Lieutenant of *Ireland*, for the providing and ordering the Train of Artillery which was to be sent to *Dublin*, and who had received great Sums of Money for that purpose, was commanded from that Employment and Trust, to serve His Majesty in this most unnatural War against His Loyal and Best-affected People.

That the Parliament having made great Provision of Cloaths for the poor Soldiers in *Ireland*, for their present Succour, and sending Six Hundred Sutes, part thereof, towards *Chester* the last Week; the Man that undertook the Carriage of them, one *William Whitaker* by Name, was assaulted by His Majesty's Cavaliers, then lying about *Coventry*, who took away those Six Hundred Sutes of Cloaths, and the Waggon and Horses of the poor Man, altho' they were told that the Six Hundred Sutes of Cloaths were for the Soldiers in *Ireland*, and notwithstanding the poor Carrier was five times with the Earl of *Northampton*, to beg a release of his Waggon.

That Three Hundred Sutes of Cloaths, with a Surgeon's Chest of Medicaments, being likewise sent for *Ireland*, by one *Richard Owefield*, who was employed by the Parliament to carry them to *Chester*, a Troop of His Majesty's Cavaliers, under Command of one Captain *Middleton*, met with them upon the Road, and took away the Cloaths and Surgeon's Chest, together with the poor Carrier's Horses and Waggon, for His Majesty's pretended Service Here.

That a great number of Draught-Horses prepared by the Parliament for the Artillery and Baggage of the *Irish* Army, were sent to *Chester* for that Purpose, and being there, attending a Passage, are now required by His Majesty for His said present Service in *England*.

That His Majesty's Forces are so quartered in and about the Common Roads to *Ireland*, that neither Money, Cloaths, Victuals, or other Provision can pass thither by Land with any Safety.

That Captain *Kettleby* the Admiral, and Sir *Henry Stradling* the Vice-Admiral of the Ships which were directed to lie upon the Coast of *Ireland*, to annoy the Rebels, and to prevent the bringing to them Ammunition and Relief from Foreign Parts, are both called away from that Employment by His Majesty's Command; and by reason of their departure from the Coast of *Munster*, to which they were designed, the Rebels there have received Powder, Ammunition and Relief from Foreign Parts; by which, and many other Particulars, too long to relate, it may seem as if those barbarous *Irish* Rebels are kept on foot and countenanced there, of Design to assist the Northern Cavaliers; and according to the Earl of *Strafford's* unheard-of Advice, to have an Army in *Ireland*, with which His Majesty may reduce this Kingdom; especially considering those confident Rebels have presumed, very lately, to send a Petition to His Majesty, entitling themselves His Majesty's Catholick Subjects of *Ireland*, and complaining of the Puritan Parliament of *England*; and desiring, that since His Majesty comes not thither, according to their Expectation, that they may come into *England* to His Majesty: Which Petition we may justly fear, is but a Prologue to that Tragedy they have designed to act here, in case their coming over be not prevented by the Care and Vigilancy of the Parliament, and good People of *England*. But lest the House of Commons might seem to excuse the making of this Order by way of Recrimination; They for Satisfaction to the World, do protest before Almighty God, (the Searcher of all Hearts) That they have as great Compassion and Sorrow for the present Sufferings of their distressed Brethren



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Brethren in *Ireland*, as if themselves were in their Case, (into which they are confident those horrid Traitors, those Monsters of Men about His Majesty, do labour to bring this Kingdom;) That they have, and shall ever really endeavour, by all Means possible, (with due regard to the present Estate of this Kingdom) to supply and support them in this their great Affliction, notwithstanding the Malice and Obstructions of all Opposers.

That the House of Commons lively apprehending the imminent Danger of this Kingdom, and finding that whilst they were active here to subdue the Rebels of *Ireland*, there were Papists, Traitors and Delinquents more active in the North to conquer and destroy the Parliament, and good People of *England*, thought it necessary to provide for the Safety of both, by preparing a competent Army for the Defence of the King and Kingdom. And although Multitudes of well-affected Persons had cheerfully brought in great store of Plate for that Purpose, yet in regard the Plate could not be coined with such expedition as the Importance of the Service did require; and well knowing that One Hundred Thousand Pounds might for a short time be borrowed out of the Adventurers Money for *Ireland*, without any Prejudice to the Affairs of that Kingdom, whose Subsistence depends upon the Welfare of this; and resolving to make a speedy and real repayment of what Money should be so borrowed, did make this Order; which that it might appear to all the World, to be neither Mischievous, Illegal, nor Unjust, (as His Majesty, by the Instigation of those malignant Whisperers, is pleased to term it) the House of Commons thought fit to recite it *in hæc verba*, and instead of retracting the Order, to repay the Money with all possible speed.

The 30th of July, 1642.

The Parliament borrows 100,000 l. of the Treasure for Subscription.

IT is this Day Ordered by the Commons House of Parliament, That the *Treasurers* appointed to receive the Monies come in upon the *Subscriptions* for *Ireland*, do forthwith furnish, by way of Loan, unto the Committee of the Lords and Commons, for the Defence of the Kingdom, the Sum of One Hundred Thousand Pounds, for the Supply of the Publick Necessity, for the Defence of the King, Parliament and Kingdom, upon the Publick Faith, to be repaid duly and carefully, within so short a Time, that it shall not be diverted from the Purpose for which it was intended, or any way frustrate the Acts already made in the behalf of that Adventure.

By which Order, and that which hath been here truly set down, it will easily appear to all the indifferent People of His Majesty's three Kingdoms, whether the King and his Cavaliers, or the King and his Parliament, do most affect and endeavour the settling of true Religion, and a firm and constant Peace within that bleeding and distressed Kingdom.

Ordered by the Commons in Parliament, That this *Message* and *Answer* be forthwith printed and pulished.

HEN. ELSING Cler. Parl. Dom. Com.

*A Declaration of the Lords and Commons, requiring the Subjects not to assist the King in this War.*

Aug. 8th, 1642, That such as assist the King are Traitors.

Whereas the King, seduced by wicked Counsel, doth make War against his Parliament and People: And for the promoting of that War, divers Forces, both of Horse and Foot, have been and are levied and raised by several Persons, and His Majesty's good Subjects are most cruelly robbed, spoiled and slain.

To the end that no Man may be misled through Ignorance, the Lords and Commons in Parliament declare, That all such Persons as shall, upon any pretence whatsoever, assist His Majesty in this War, with Horse, Arms, Plate or Money, are Traitors to His Majesty, the Parliament and Kingdom, and shall be brought to condign Punishment for so high an Offence.

Orders



*Orders to suppress Disorders by Soldiers.*

Aug. 18th.

**W**Hereas there have been divers Complaints made unto us of many Disorders committed by the *Soldiers* in their *marching*, and in such Places wherein they have been quartered or billeted; which Disorders, as is inform'd, have been partly occasioned by the *neglect of their Officers*, to go along with them and conduct them: It is therefore Ordered, by the Lords and Commons assembled in Parliament, that the *Lord General* be desired to give Command to all his Officers, that they take care to attend, according to the Duty of their several Places, that the Soldiers thereby may be hereafter kept from stragling up and down the Countries: And to that end to lay his Command upon the Officers of each Company, both in the marching, quartering and billeting, to be in Person amongst the Soldiers themselves, to prevent any Disorders whatsoever, and punish such as shall offend.

Ordered by the Lords and Commons assembled in Parliament, that these Orders be forthwith printed and published.

JOHN BROWN, Cler. Parliamentorum.

*The Impeachment of the House of Commons, against Sir Richard Gurney Knight and Baronet, Lord-Mayor of the City of London.*

**F**irst, That the said Sir Richard Gurney being nominated, elected and chosen Lord-Mayor of the said City of London, for this present Year 1642, and in the Year of Our Sovereign Lord King Charles, of England, Scotland, France and Ireland, &c. the Eighteenth; whereby the Ordering, Rule and Government of the said City of London was committed to the Trust, Care and Charge of him the said Sir Richard Gurney; he the said Sir Richard Gurney, in or about the Month of June last past, and during the time of his Mayoralty, as aforesaid, in Contempt and Malice against the Parliament, and the Proceedings thereof; and contrary to his Oath, and the Faith and Trust reposed in him; and with an Intent, Purpose, and Resolution to overthrow the ancient Customs and Usages of the said City; and with an Intent, Purpose, and Resolution to bring in an Arbitrary and Tyrannical Government, contrary to the Laws and Statutes of this Realm, and the settled Government established in the same Kingdom; and with an Intent and Endeavour to levy War against the Parliament; Did, in or about the Month of June last past, proclaim and publish, or did cause and procure to be openly read and published, within the said City of London, and Suburbs of the same, divers illegal Proclamations, containing in them Matters of dangerous Consequence, and contrary to the Votes and Orders of both Houses of Parliament, and likewise contrary to the Rights and Privileges thereof, and the Liberty and Property of the Subject.

Secondly, That in or about the Month of December last past, a great number of His Majesty's Dutiful and Loyal Subjects, in and about the City of London, did contrive and draw up a certain Petition, wherein were contained many of their Grievances, with an Intent to present the same to the Honourable House; he the said Sir Richard Gurney being then and now Lord-Mayor of London, did earnestly labour and endeavour to suppress the said Petition, and to hinder the same from being delivered to this Honourable House; and did threaten and menace the said Petitioners, Imprisoned divers of them, contrary to the Laws and Statutes of this Realm, and contrary to the Liberty of the Subject.

Thirdly, The said Sir Richard Gurney, together with one Bynyon, did further Plot and Contrive one seditious and scandalous Petition, containing Matters of dangerous Consequence, endeavouring thereby to raise Tumults and Discords within the said City, and to make and encrease the Difference between His Majesty and the Parliament; whereupon many insolent Persons, ill-affected to the State, and the Proceedings of Parliament, did, in a riotous and unlawful manner,



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ner, assembled and gather themselves together in *Cheapside* within the said City, and then and there committed many riotous Acts, contrary to the Peace of Our Sovereign Lord the King, and contrary to the Civil Government of the said City. And he the said Sir *Richard Gurney* did purposely, wittingly and willingly permit and suffer the aforesaid riotous Persons to escape, without due and deserved Punishment of Law.

Fourthly, That whereas, by Order of both Houses of Parliament, the said Lord-Mayor was appointed to call a Common-Council; he refused so to do: And when a Common-Council was called by the said Sir *Richard Gurney*, it was moved on the behalf of both Houses of Parliament, that great Quantity of Arms, and other Ammunition, should be laid into some Store-houses within the said City, for His Majesty's Service, and the Good and Safety of the Kingdom; he the said Sir *Richard Gurney*, being ill-affected to the State, and the Proceedings of Parliament, did, in a most obstinate and malicious manner, withstand, refuse or gain-say the same, contrary to the Order of both Houses of Parliament, giving many insolent Speeches against the Authority thereof, with an Intent and Purpose to discourage all well-affected Persons to yield Obedience to the Orders of Parliament, and to make Difference and Division between His Majesty and the Parliament. All which Matters and Things have been perpetrated, committed, and done by him the said Sir *Richard Gurney*, during the Time of his Mayoralty aforesaid.

*Articles of Impeachment against Sir Thomas Gardiner Recorder of the City of London.*

1. **T**Hat the said Sir *Thomas Gardiner* being now, and for six Years last past, having been Recorder of the City of *London*, and having taken an Oath for his faithful discharge of his said Office, and to maintain the Franchises and Customs of the said City, and not to discover the Counsel thereof to the hurt of the same, did in the Year of Our Lord God 1638, contrary to the Laws of this Kingdom, and contrary to his Oath, wickedly advise, direct, and earnestly press Sir *Maurice Abbot* Knight, then Lord-Mayor of *London*, the Aldermen and Common-Council of the said City, and others at several times since, to impose, levy, and take of the said Citizens and Inhabitants, without their Consent in Parliament, the illegal Tax of *Ship-money*. And being told by some of the said Common-Council, that the Tax of *Ship-money* was against Law; he the said Sir *Thomas Gardiner*, replied, There would be Law found for it ere long.

2. That the said Sir *Thomas Gardiner*, in the said Year 1638, did wickedly advise and perswade the said Lord-Mayor, Aldermen and Common-Council of *London*, that they might, at their own Will and Pleasure, by Force and Power of the Acts of that Court, Tax and Levy on the said Citizens and Inhabitants, without their Consent in Parliament, a certain Sum of Money by way of Loan, to furnish His Majesty for his Wars; affirming, that such Acts would bind and compel the Citizens to pay the same. And also in the said Year 1638, contrary to his Oath, and against the said Laws of the Land, did wickedly advise and direct the then Lord-Mayor, Aldermen, and Common-Council to raise and levy an Army of 3000 Men of the Trained-bands of the said City, to serve His Majesty in his Wars in the North, against His Majesty's Subjects of *Scotland*: And therein he affirmed, That every Subject was bound by his Allegiance to serve the King; and that neither the Statute-Law nor their Charters could excuse them: Saying also at the same time, It is now no Time to plead Statutes and Charters.

3. That about the Month of *February*, 1639, he the said Sir *Thomas Gardiner*, contrary to his Oath, and to the Laws of the Land, did earnestly perswade and press Sir *Henry Garraway* Knight, then Lord-Mayor, the Aldermen and Common-Council of *London*, to impress Cloth, and conduct 200 Men of the said Citizens and Inhabitants, to serve the King in his Wars in the North, against His Majesty's Subjects of *Scotland*: And altho' the same was refused to be done by the said Court of Common-Council, as a thing against Law; yet by the perswasion of the said Sir *Tho. Gardiner*, the same was then performed by the then Lord-Mayor, and



and the Money pay'd for the same out of the Chamber of *London*, without any Consent or Approbation of the said Court of Common-Council, contrary to the Liberties and Customs of the said City, and in subversion of them.

4. That a Petition directed to His Majesty, being prepared in the said Year 1638, by the said then Lord-Mayor, Aldermen and Common-Council, setting forth the Laws and Statutes of this Kingdom, and the Charters of the said City, to exempt the said Citizens and Inhabitants of *London* from certain illegal Taxes and Services, whereby His Majesty might be pleased not to continue such his Demand of Men and Money from them; he the said Sir *Thomas Gardiner*, contrary to his Oath, and Duty of his Place, did reveal and disclose to His Majesty their Counsel and Intention of delivery of that Petition; and then told the Persons appointed to deliver the same Petition, that His Majesty would receive no Petition from them.

5. That the said Sir *Thomas Gardiner*, to the end to preserve himself from being questioned for the same Crimes, laboured to hinder the calling of Parliaments; and therefore in the Month of *May*, in the Year 1640, presently after the dissolving of the Parliament, he the said Sir *Thomas Gardiner*, advised and perswaded the then Lord-Mayor, Aldermen and Common-Council of *London*, to lend the King 100,000 *l.* for his Wars against His Majesty's Subjects of *Scotland*. And albeit they told him, it was not safe for them to do it, when the Parliament and the Kingdom had refused it, yet he earnestly perswaded them thereunto; and in or about *July* in the said Year 1640, when many Thousands of the said Citizens of *London* joined in a Petition to be delivered unto His Majesty to call a Parliament, for settling the Distractions of this Kingdom, and for the Peace and Welfare thereof, and of His Majesty's Kingdom of *Scotland*; he the said Sir *Thomas Gardiner* did earnestly dissuade them from it, saying, It was dangerous and needless, and the Petition would come unseasonably to interrupt the King's Affairs.

6. That in *December* last, when a Petition was prepared, and subscribed by many Thousands of the said Citizens, to be presented to the House of Commons, to assure them of their good Affection to the King and Parliament, and not to divert the Parliament in their just ways; he the said Sir *Thomas Gardiner*, caused some of the Petitioners to be sent for before the Lord-Mayor and himself, and questioned them as Rioters and Disturbers of the Peace, saying, That the putting their Hands to a Petition, was the way to put all together by the Ears. And being then answered by some of the said Petitioners, That they sought nothing but Peace; he replied in these or the like Words, Is this your way to Peace? no, it tends to Sedition and Blood, and to cutting of Throats; and if it come to that, you may thank your selves, your Bloods be upon your own Heads. And he used other threatening Speeches to discourage and terrify the Petitioners from further proceeding in their said Petition; which Petition was afterwards presented to the Lords and Commons in Parliament, and well approved by them, and doth not contain any dangerous matter, as was maliciously by him pretended, as may appear by a Copy of the Petition hereunto annexed.

7. That in *January* last, at a Court of Common-Council in *London*, an Order of the House of Commons was sent and delivered to the Lord-Mayor, Aldermen and Common-Council of the said City, appointing them to make choice of meet Persons to have the ordering of the *Militia*; whereat the said Sir *Thomas Gardiner* was present, and took notice of the said Order, and declared his Opinion, that the Persons of the Committee formerly chosen for the Safety of the said City, were the fittest Men to take that Service upon them. Whereupon the Lord-Mayor and Sheriffs desiring to be excused, the Persons of the said Committee were chosen by a clear Vote, and their Names sent to the House of Commons, and by them and the House of Peers allowed and approved of: Yet afterwards he the said Sir *Thomas Gardiner* endeavouring and plotting to hinder the Proceedings in Parliament, the Peace and Safety of this Kingdom, did most maliciously and wickedly advise and direct the making and framing of two false and seditious Petitions; and he the said Sir *Thomas Gardiner*, upon perusal of them, affirmed the Matters contained in them to be agreeable to Law, and to the Custom of the said City, thereby encouraging divers of the said City to subscribe the same, and to send the one of them to be presented to His Majesty, and the other to the Lords and Commons in Parliament; which



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Petitions do contain in them divers false, scandalous and seditious Matters; and in particular, that Petition annexed hereunto, a Copy whereof was afterwards subscribed by divers Citizens, and presented to the House of Commons, containing false Matter, That the ordering of the Arms of the said City of London, had been, time out of Mind, annexed to the Mayoralty for the time being; and insinuating, that if the same should be conferred upon others, it would reflect upon the Government and Custom of the said City, which every Freeman of the said City was by his Oath of Freedom bound to maintain to the uttermost of his Power; which Petitions were so contrived, framed and published, on purpose to divert His Majesty from assenting to the said Ordinance, and to work a Distraction in the said City, and to bring the Parliament, City and whole Kingdom into Disorder and Confusion. All which Matters committed and done by the said Sir Thomas Gardiner, were and are high Crimes and Misdemeanors, contrary to the Laws of this Realm, and in Subversion of them, and contrary to the Rights and Privileges of Parliament, the Liberty and Property of the Subject, tending to Sedition, and to the Disturbance of the Publick Peace of this Realm.

And the said Commons, by Protestation, saving to themselves the liberty of exhibiting at any time hereafter any other Accusation or Impeachment against the said Sir Thomas Gardiner, and also of Replying to the Answers that the said Sir Thomas Gardiner shall make unto the said Articles, or to any of them, and of offering further Proof of the Premises, or any of them, or of any other Impeachment or Accusation that shall be exhibited by them, as the Cause shall, according to the course of Parliament, require, do pray that the said Sir Thomas Gardiner may be put to answer all and every the Premises, and that such Proceedings, Tryals, Judgments, and Executions may be upon every of them had and used, as is agreeable to Law and Justice.

Veneris 12 August, 1642.

The Sentence  
of Sir Richard  
Gurney Lord-  
Mayor.

THE Commons, with their Speaker, came to the Bar of the Lords House, and demanded Judgment against Sir Richard Gurney Knight and Baronet, Lord-Mayor of the City of London, impeached by them before the Lords in Parliament: Whereupon the Lord-Mayor was brought to the Bar, and the Lord Kimbolton being then Speaker, pronounced the Sentence following, viz.

Whereas Sir Rich. Gurney Knight and Baronet, Lord-Mayor of the City of London, hath been impeached by the Knights, Citizens and Burgeffes of the House of Commons, for causing Proclamation to be made in several places of the City of London, for the putting in execution the Commission of Array, tending to the raising of Forces against the Parliament, and the Subversion of the Laws and Peace of this Kingdom; and for the framing of two false and scandalous Petitions, to set Division between His Majesty and the Parliament, and the Parliament and the City; and for imprisoning certain Apprentices, who had framed a Petition unto the Parliament; and for not punishing or proceeding against certain Rioters, or Misdoers within the City of London, acted on or about the 2d of February, 1641; and for refusing or neglecting to call a Common-Council for the Good and Safety of the said City and Kingdom, being thereunto commanded by the Authority of both Houses of Parliament.

The Lords having taken the said Charges into their due Consideration, do find the said Sir Richard Gurney, Lord-Mayor of the City of London, guilty of causing the said Proclamation for putting the Commission of Array in execution, to be published, tending to the disturbance of the Peace of this Kingdom, and of not suppressing the said Riots and Misdemeanors, and of not calling a Common-Council, as he was by Order of Parliament required.

And for the said Offences this High Court doth award and adjudge,

i. That the said Sir Richard Gurney shall be no longer Lord-Mayor of the City of London.

2. That



2. That he shall be hereafter incapable to bear any Office in the said City of London.

3. That he shall be incapable to bear or receive any further Honour hereafter.

4. That he shall be Imprisoned in the Tower of London during the Pleasure of this House.

18 Car.

On the 20th of *August*, the King with his Forces came before the City of *Coventry*, who having shut up their Gates, were commanded by a Message from His Majesty to open them. They returned Answer, that they were content to receive His Majesty with a competent Guard, but not to let in his Army; whereupon the Ordnance were drawn up and planted to batter the Gates, but the City being lately re-inforced with 300 Men from *Bromingham*, so that there were near a thousand Men in it, were encouraged to hold out; and especially because Colonel *Hambden*, Colonel *Hollis*, and Colonel *Goodwyn* were marching towards their Relief; so the King's Forces drew off and departed, and none were slain at this time.

The King is denied Entrance for his Army into *Coventry*, Aug. 20th.

*August* 21st, one Mr. *Drake*, a Merchant, employed for the securing of *Dover-Castle* for the Parliament, on *Sunday* the 21st of *August*, in the dead of the Night, taking about half a score other Townsmen with him, climbed up the Rock, carrying with them Musquets ready charged, and drew up *Scaling-Ladders* after them, and so got all safe and unperceived over the Castle-Wall, and there marched down to the Corps-du-Guards, where they found but four Men, which were so daunted with their unexpected appearing, and apprehending they might be followed with greater Number, submitted and yielded up their Arms without any Resistance; then *Drake* and his Party went up to the Gentleman-Porter, and demanded the Keys of the Gates, for the use of the King and Parliament, telling him they had a Warrant so to do; and he refusing, they threatned to break open his Door and shoot him; so at last he surrendered the Keys, and they turned out the first they met, and there being not above twenty Men in the Castle, in a little time they left none there but themselves; and immediately dispatcht an Express to the Earl of *Warwick*, who sent them forty Musqueteers, and the City of *Canterbury* sent forty more.

*Dover Castle* surprized for the Parliament, Aug. 21st.

*The manner of His Majesty's setting up his Standard at Nottingham, on Monday, Aug. 22d, 1642.*

**M**onday, being the 22d of *August*, in the Morning, His Majesty left his Forces before *Coventry*, and with some Lords and others in Company rode to *Liecester*, where he dined that day at the *Abby*, the Countess of *Devonshire's* House. Presently after Dinner the King again took Horse, and with his Company rode to *Nottingham*, where was great Preparation for the setting up of the *Standard* that Day, as was formerly appointed. Not long after the King's coming to Town, the *Standard* was taken out of the Castle, and carried into the Field, a little on the backside of the Castle-Wall. The Likeness of the *Standard* was much of the Fashion of the City Streamers used at the Lord-Mayors Show, having about twenty Supporters, and was carried after the same way; on the top of it hangs a Flag, the King's Arms quartered,

The manner of the King's setting up his Standard at *Nottingham*.



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quartered, with a Hand pointing to the Crown, which stands above with this Motto, *Give Cesar his due*. The Names of those Knights Barons who were appointed to bear the *Standard*, (*viz.*) the chief of them, were Sir *Thomas Brooks*, Sir *Arthur Hopton*, Sir *Francis Wortley*, and Sir *Robert Dadington*.

Likewise there were three Troops of Horse to wait upon the *Standard*, and to bear the same backward and forward, with about 600 Foot Soldiers. It was conducted to the Field in great State, His Majesty, the Prince, Prince *Rupert*, (whom His Majesty had lately made Knight of the Garter) going along with it, with divers other Lords and Gentlemen of His Majesty's Train, besides a great Company of Horse and Foot, in all to the number of about 2000.

So soon as the *Standard* was set up, and His Majesty, and the other Lords placed about it, a *Herald* at Arms made ready to publish a Proclamation, declaring the Ground and Cause of His Majesty's setting up of his *Standard*, namely, to suppress the Rebellion of the Earl of *Essex*, in raising Forces against him, to which he required the Aid and Assistance of all his loving Subjects; but before the Trumpeters could sound to make Proclamation, His Majesty called to view the said Proclamation, which being given him, he privately read the same over to himself, and seeming to dislike some Passages therein, called for Pen and Ink, and with his own Hand crossed out, and altered the same in some places, and then gave it the Herald, who proclaimed the same to the People, tho' with some Difficulty, after His Majesty's Corrections: after the reading whereof, the whole Multitude threw up their Hats, and cried, *God save the King*, with other such like Expressions. Not long after the reading of the said Proclamation, it being towards Night, the *Standard* was taken down, and again carried into the Castle, with the like State as it was brought into the Field; and the next day it was set up again, and His Majesty came along with it, and made Proclamation as the day before, and the like was also done on *Wednesday*, His Majesty being also present: but after that it was set up with less Ceremony.

Soon after the King sent a Message to the two Houses touching an *Accommodation*; which with the Answers, Replies, &c. were as follow.

*His Majesty's Message to both Houses of Parliament, sent from Nottingham, by the Earls of Southampton and Dorset, Sir John Culpeper Knt. Chancellor of the Exchequer, and Sir William Uvedal Knt. after his Standard was erected, Aug. 25th 1642, in Order to a Treaty for Peace.*

His Majesty's Message touching a Treaty, Aug. 25th.

WE have with unspeakable Grief of Heart, long beheld the Destruction of this Our Kingdom. Our very Soul is full of Anguish, until We may find some Remedy to prevent the Miseries which are ready to overwhelm this whole Nation by a *Civil War*. And tho' all Our Endeavours tending to the composing of those unhappy Differences betwixt Us and Our two Houses of Parliament, tho' pursued by Us with all Zeal and Sincerity, have been hitherto without that Success We hoped for; yet such is Our constant and earnest Care to preserve the Publick Peace, that We shall not be discouraged from using any *Expedient*, which, by the Blessing of the God of Mercy, may lay a *firm Foundation* of Peace and Happiness to all Our good Subjects. To this end, observing that many *Mistakes* have arisen by the Messages, Petitions and Answers betwixt Us and Our two Houses of Parliament, which happily may be prevented by some other way



of Treaty, wherein the Matter in difference may be more clearly understood, and more freely transacted, *We have thought fit to propound unto you*, that some fit Persons may be by you *enabled to treat* with the like Number authorized by Us, in such a manner, and with such freedom of Debate, as may best tend to that happy Conclusion, which all good Men desire, the Peace of the Kingdom; wherein, as we promise *in the Word of a King*, all Safety and Encouragement to such as shall be sent unto Us, if you shall chuse the Place where We are for the Treaty, which We wholly leave to you, presuming the like Care of the Safety of those We shall employ, if you shall name another Place: So We assure you and all Our good Subjects, that to the best of Our Understanding, nothing shall be therein wanting on Our part, which may advance the true Protestant Religion, oppose Popery and Superstition, secure the Law of the Land, (*upon which is built as well Our just Prerogative, as the Propriety and Liberty of the Subject*) confirm all just Power and Privileges of Parliament, and render Us and Our People truly happy, by a good Understanding betwixt Us, and Our two House of Parliament. Bring with you as firm Resolutions to do your Duty, and let all Our good People joyn with Us in Our Prayers to Almighty God for his Blessing upon this Work.

If this Proposition shall be rejected by you, We have done Our Duty so amply, that God will absolve Us from the Guilt of any of that Blood which must be spilt. And what Opinion soever other Men may have of Our Power, We assure you nothing but Our Christian and Pious Care to prevent the Effusion of Blood hath begot this Motion, Our Provision of Men, Arms and Money being such as may secure Us from further Violence, till it please God to open the Eyes of Our People.

*The Answer of the Lords and Commons to such His Majesty's Message.*

*May it please Your Majesty.*

THE Lords and Commons in Parliament assembled, having received Your Majesty's Message of the 25th of August, do with much Grief resent the dangerous and distracted Estate of this Kingdom, which We have by all Means endeavoured to prevent, both by our several Advices and Petitions to Your Majesty, which have not been only without Success, but there hath followed that which no ill-Counsel in former times hath produced, or any Age hath seen, namely, those several Proclamations and Declarations against both Houses of Parliament, whereby their Actions are declared Treasonable, and their Persons Traitors; and thereupon Your Majesty hath set up your *Standard* against them; whereby you have put the two Houses of Parliament, and in them this whole Kingdom, out of your Protection: So that until Your Majesty shall re-call those Proclamations and Declarations, whereby the Earl of Essex, and both Houses of Parliament, and their Adherents and Assistants, and such as have obeyed and executed their Commands and Directions, according to their Duties, are declared Traitors or otherwise Delinquents: And until the Standard, set up in pursuance of the said Proclamations, be taken down, Your Majesty hath put us into such a Condition, that whilst we so remain, we cannot, by the Fundamental Privileges of Parliament, the Publick Trust reposed in us, or with the general Good and Safety of this Kingdom, give Your Majesty any other Answer to this Message.

JO. BROWN Cler. Parl.

HEN. ELSING Cler. Parl. Dom. Com.

His



An. 1642.

*His Majesty's Reply to an Answer sent by the two Houses of Parliament, to His Majesty's Message of the 25th of August, concerning a Treaty of Accommodation.*

The King's Reply.

WE will not repeat what Means We have used to prevent the dangerous and distracted Estate of the Kingdom, nor how those Means have been interpreted; because being desirous to avoid the Effusion of Blood, We are willing to decline all memory of former Bitterness that might make Our Offer of a Treaty less readily accepted.

We never did declare, nor *never intend to declare both Our Houses of Parliament Traitors, or set up Our Standard against them, and much less to put them and this Kingdom out of Our Protection; We utterly profess against it before God and the World:* and further to remove all possible Scruples, which may hinder the Treaty so much desired by Us, We hereby promise, so that a day be appointed by you for the revoking of your Declarations against all Persons as Traitors, or otherwise for assisting Us, We shall, with all Cheerfulness, upon the same day re-call Our Proclamations and Declarations, and take down Our Standard. In which Treaty We shall be ready to grant any thing that shall be really for the good of Our Subjects, conjuring you to consider the bleeding Condition of *Ireland*, and the dangerous Condition of *England*, in as high a degree, as by these Our Offers We have declared Our Self to do; and assuring you that Our chief Desire in this World, is to beget a good Understanding, and mutual Confidence betwixt Us and Our two Houses of Parliament.

To the King's most Excellent Majesty :

*The humble Answer and Petition of the Lords and Commons assembled in Parliament, unto the King's last Message.*

*May it please Your Majesty,*

The Parliament's Petition, in Answer to the last Message.

IF we the Lords and Commons assembled in Parliament, should repeat all the Ways we have taken, the Endeavours we have used, and the Expressions we have made unto Your Majesty, to prevent those Distractions and Dangers Your Majesty speaks of, we should too much enlarge this Reply; therefore as we humbly, so shall we only let Your Majesty know, that we cannot recede from our former Answer, for the reasons therein expressed; for that Your Majesty hath not taken down your Standard, re-call'd your Proclamations and Declarations whereby you have declared the Actions of both Houses of Parliament to be Treasonable, and their Persons Traitors, and you have published the same since your Message of the 25th of *August*, by your late Instructions sent to your Commissioners of Array. Which Standard being taken down, and the Declarations, Proclamations and Instructions re-called; if Your Majesty shall then, upon this our humble Petition, leaving your Forces, return unto your Parliament, and receive their faithful Advice, Your Majesty will find such Expressions of our Fidelities and Duties, as shall assure you, that your Safety, Honour and Greatness can only be found in the Affections of your People, and the sincere Counsels of your Parliament, whose constant and undiscouraged Endeavours and Consultations have passed through Difficulties unheard-of, only to secure your Kingdom from the violent Mischiefs and Dangers now ready to fall upon them, and every part of them, who deserve better of Your Majesty, and can never allow themselves, representing likewise your whole Kingdom, to be balanced with those Persons, whose desperate Dispositions and Counsels prevail still to interrupt all our Endeavours for the relieving of bleeding *Ireland*, as we may fear our Labours and vast Expences will be fruitless to that distressed Kingdom. As your Presence is thus humbly desired by us, so 'tis our hope Your Majesty will in your Reason believe there is no other way than this to make Your Majesty's Self happy, and your Kingdom safe.

JO. BROWN Cler. Parl.

A Decla-



*A Declaration of the Lords and Commons in Parliament, with some Directions to the Knights, Gentlemen, and other Inhabitants of Yorkshire, and the other Northern Counties.*

WE the Lords and Commons in Parliament assembled, have perused and seriously considered a Letter sent from many of the principal Knights, Gentlemen, and other Inhabitants of the County of *York*, directed to a worthy Knight of that County, being a Member of the House of Commons, and intended for the Information of both Houses of Parliament, concerning His Majesty's Purpose of *raising his Standard at Nottingham*; the present State of the Northerly Parts, and the growing Mischiefs and Miseries like to overwhelm the whole Kingdom, by the great Oppressions exercised upon His Majesty's Subjects there; and other unlawful and dangerous Counsels and Proceedings of those, who, under pretence of His Majesty's Service, are laying the Foundation of an Arbitrary and Tyrannical Government, or rather Confusion and Desolation, not only in those Parts, but in the whole Kingdom: Upon which, and other Informations and Discoveries, we think fit to publish and declare some few Observations, whereby the good Subjects of this Kingdom may better discern their own Danger, and be stirred up with more earnestness to assist us in the maintenance of Religion, and of the common Justice and Liberty of the Kingdom, which seems to be in no less hazard, than if we had an Army of the *Irish* Rebels in the bowels of the Land.

Directions, upon Advice that the King intends to set up his Standard at *Nottingham*.

The first Observation is this; That now it plainly appears to the World, that there was good ground of those Fears and Jealousies, so often expressed by both Houses, That His Majesty intended to make War against his Parliament; and that the Oaths, Protestations and Execrations, published in His Majesty's Name, disclaiming any such Purpose of War, were nothing but the Devices of those wicked Counsellors about him, that under such Disguises and Pretensions of Peace, they might more closely arm and prepare themselves for War, and by Violence to suppress the Parliament, and so to make way for the Accomplishment of their own Designs, for the Alteration of Religion, and the Government of the Kingdom.

The second; That this War is said to be for the Defence of the Protestant Religion; and yet the most diligent Assistants and Promoters of it are Papists, and that corrupt and superstitious part of the Clergy that were running towards Popery; wherein the Papists are so frequent, that they not only send in Horse and Arms, but the better to qualify their Persons for this present Service, many heretofore constant Recusants, do now resort to Church, and take the Oaths of Supremacy and Allegiance. And with what Affections they look upon the Reformed Religion, is evident in the Speeches of those who robbed Mr. *Marwood's* House, calling his Wife *Protestant Whore and Puritan*; she being a very virtuous Gentlewoman, and of Good Quality, only the Hatred of Religion was it which provoked them to such ignominious Language, which by those Popish Cavaliers is prosecuted under the Name of *Roundhead*, as it hath been by the Prelatical Clergy under the Name of *Puritan*.

A third; That Arms were taken from the honest Gentlemen, Yeomen and Townsmen, and put into the Hands of such desperate Persons as cannot live but by Rapine and Spoil.

A fourth; That notwithstanding all the Vows and Protestations to govern by Law, which have been dispersed throughout the Kingdom, to blind and deceive the People, the most mischievous Principles of Tyranny are practised that ever were invented, that is, to disarm the middle sort of People, who are the Body of the Kingdom, and to maintain Soldiers by forced Contributions; to erect a Provincial Government in the North, clearly against the Common-Law, and the Judgment given in this Parliament for taking away the Court at *York*. That the Contrivers and Instruments of these Mischiefs, for their better strengthening in these Designs, are about to joyn themselves in an Association with other Counties. That Directions are given, that such as shall not oppose, or joyn with them, shall be violently plundered and pillaged.

For



An. 1642.

For the prevention of these growing Evils and Mischiefs, the Lords and Commons do declare,

That all well-affected and good Subjects, who shall be plundered, pillaged, and suffer in their Estates, by any of the Cavaliers, or other Forces raised without Consent of Parliament, shall have such reparation of their Damages, out of the Estates of those who have been Actors and Counsellors in such Violences, and likewise out of the Estates of all such Persons in any part of the Kingdom whatsoever, who have withdrawn themselves to *York*, and shall persist to serve the King in this War against the Parliament, by any Subscription, Contribution, or otherwise have given Assistance and Countenance to the maintenance thereof.

That it shall be lawful for any number of Persons to joyn together, and to defend themselves and others from Rapine and Force; and the Earl of *Essex* Lord-General of the Forces raised by the Lords and Commons, for the Defence of the Religion and Liberty, and for Protection of the oppressed Subjects of this Kingdom, and the Lieutenant of the County of *York* is desired to grant such Commissions for levying, leading and conducting of Forces in the Northern Parts, as shall be thought requisite by his Excellency: And Sir *John Hotham*, Governor of *Hull*, is required to give all kind of Assistance, by the Garrison of the Town, and by furnishing them with Powder, Arms, and other Ammunition as he can spare. And for the better enabling of them in this their necessary Defence, it is resolved, that further Supplies of Arms shall be sent thither as speedily as may be. That the Sheriff of the County of *York*, and the Sheriffs of the adjoining Counties, and all Lieutenants, Deputy-Lieutenants, Mayors, Justices of the Peace, and other His Majesty's Officers and loving Subjects, be aiding and assisting them, in defence of His Majesty's Subjects from all Oppression and Violence, with the Power of the Counties, and Trained-bands.

That it shall be lawful for all Lord-Lieutenants, Deputy-Lieutenants, Sheriffs, Mayors, Bailiffs and Head Officers of Corporations, to disarm all Popish Recusants, and all other His Majesty's Subjects to be assisting unto them: And that it shall be lawful for any of His Majesty's Subjects to seize upon the Persons of all such as shall execute the illegal Commission of Array, or shall be Actors and Assistants in any of the aforementioned Oppressions and Violences, or shall furnish any Horse, Arms, Money, or other Aid or Contribution, for the maintenance of this unnatural War, raised by His Majesty against his Parliament, and to seize upon their Horses, Arms, Money, and other Provisions, whereby they might be enabled to disturb the Peace of the Kingdom.

*An Order of Parliament to suppress Riots.*

*Die Jovis 8 Aug. 1642.*

**I**T is this Day Ordered by the Lords and Commons in Parliament assembled, That the several Lord-Lieutenants appointed by Parliament, their Deputy-Lieutenants, the Justices of the Peace, and others His Majesty's Officers within the Kingdom of *England*, and Dominion of *Wales*, shall take special Care to prevent and suppress all Riots, Tumults, breaking into, or robbing Houses, breaking into Churches, taking away of the Goods of any Person, or taking of Victuals without due payment for the same: And to take and apprehend all such Person or Persons as shall do or commit any such Outrages as aforesaid, and to proceed against them according to Law.

And it is further Ordered, That the Commanders, and several Officers, shall give their best Assistance for the Apprehension and Punishment of all such Persons who shall be found Guilty of the Misdemeanors aforesaid.

**A N**



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